



THE

JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 129] Jammu, Thu., the 15th Dec., 2016/24th Agra., 1938. [No. 37

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PART I-A

Jammu & Kashmir Government—Orders

HIGH COURT OF JAMMU AND KASHMIR AT SRINAGAR.

Notification

No. 490 Dated 02-07-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Iram Shabir S/o Mr. Shabir Ahmad Mir R/o Khan Colony, H. No. B-23, Chanpora, Srinagar vide Notification No. 1176 dated 24-02-2015 has been declared as absolute/final.

By order.

Notification

No. 491 Dated 02-07-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Irshad Mohi-u-Din S/o Mr. Gh. Mohi-u-Din Ganaie R/o Chandhara, Pampore, Pulwama vide Notification No. 719 dated 14-11-2014 has been declared as absolute/final.

By order.

Notification

No. 492 Dated 02-07-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Parvez Ahmad Shah S/o Mr. Gh. Nabi Shah R/o Khan Sahib, Budgam vide Notification No. 181 dated 27-05-2015 has been declared as absolute/final.

By order.

Notification

No. 493 Dated 02-07-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Ms. Fouzia Ahad Malla D/o Mr. Ab. Ahad Malla R/o Wadwan, Dangerpora, Tehsil Narbal, District Budgam vide Notification No. 258 dated 16-07-2015 has been declared as absolute/final.

By order.

Notification

No. 494 Dated 02-07-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Peerzada Iqram Ali Shafiee S/o Mr. Shahid Naman Shafiee R/o 366, Barzulla (Near Bone and Joint Hospital), Srinagar vide Notification No. 881 dated 19-12-2014 has been declared as absolute/final.

By order.

Notification

No. 495 Dated 02-07-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Mohmad Rajab Bhat S/o Mr. Abdul Karim Bhat R/o Chil Yech, Chadoora, Budgam vide Notification No. 230 dated 29-08-2005 has been declared as absolute/final.

By order.

Notification

No. 496 Dated 02-07-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Aasif Majeed Romshoo S/o Mr. Ab. Majeed

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Romshoo R/o Main Bazar, Goriwana, Bijbehara, Anantnag vide Notification No. 875 dated 19-12-2014 has been declared as absolute/final.

By order.

Notification

No. 497 Dated 02-07-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr/Ms. Ishrat Maqbool S/o/D/o Mr. Mohammad Maqbool R/o Wathora, Chadoora, Shah Mohalla, Budgam vide Notification No. 1146 dated 23-02-2015 has been declared as absolute/final.

By order.

Notification

No. 498 Dated 02-07-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Muzaffar Ahmad Bhat S/o Mr. Gh. Mohammad Bhat R/o Dirhama, Mattan, Tehsil Pahalgam, District Anantnag vide Notification No. 576 dated 15-10-2014 has been declared as absolute/final.

By order.

Notification

No. 499 Dated 02-07-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Nahid Hussain Naik S/o Mr. Mohd Hussain Naik R/o Ashoor, D. H. Pora, Kulgam vide Notification No. 805 dated 12-02-2016 has been declared as absolute/final.

By order.

Notification

No. 500 Dated 02-07-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Samerul Rashid Dar S/o Mr. Ab. Rashid Dar R/o Sopat Tangpora, Devsar, Kulgam vide Notification No. 850 dated 15-02-2016 has been declared as absolute/final.

By order.

Notification

No. 501 Dated 02-07-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Sameer Ahmad Lone S/o Mr. Mohd Amin Lone R/o Hanjan, Tehsil and District Kulgam vide Notification No. 847 dated 15-02-2016 has been declared as absolute/final.

By order.

Notification

No. 502 Dated 02-07-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Masood Ahmad Magray S/o Mr. Ab. Majeed Magray R/o Adoora, Shahoora, Kadlabal Adoora, Pulwama vide Notification No. 797 dated 12-02-2016 has been declared as absolute/final.

By order.

Notification

No. 503 Dated 02-07-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Ilyas Nazir Laway S/o Mr. Nazir Ahmad Laway

R/o Bazar Mohalla, Chawalgam, Kulgam vide Notification No. 741 dated 15-11-2014 has been declared as absolute/final.

By order.

Notification

No. 504 Dated 02-07-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Mubashir Hussain Khan S/o Mr. Ashaq Hussain Khan R/o Khan Mohalla, Checki Wangund, Qazigund, Dooru, Anantnag vide Notification No. 509 dated 06-09-2013 has been declared as absolute/final.

By order.

Notification

No. 505 Dated 02-07-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Muzafar Ahmad Dar S/o Mr. Gh. Nabi Dar R/o Chewa Khurad, Pulwama vide Notification No. 1140 dated 23-02-2015 has been declared as absolute/final.

By order.

Notification

No. 506 Dated 02-07-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Hilal Ahmad Mochi S/o Mr. Mohd Kamal Mochi R/o Bugroo, Tehsil Khansahib, District Budgam vide Notification No. 481 dated 04-09-2014 has been declared as absolute/final.

By order.

Notification

No. 507 Dated 02-07-2016.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Mohsin-ul-Hassan S/o Mr. Gh. Hassan Dar

R/o Killora, Shopian vide Notification No. 06 dated 04-04-2013 has been declared as absolute/final.

By order.

(Sd.) MOHAMMAD YASIN BEIGH,
Joint Registrar (Admn.).

Notification

No. 511 Dated 08-07-2016.

It is hereby notified that Mr. Ajay Kumar S/o Sh. Satpal Sharma R/o Chan Gran, Kathua, who had voluntarily suspended his practice as an Advocate, is now permitted to resume his practice as an Advocate.

(Sd.) M. K. HANJURA,
Registrar General.

Notification

No. 575 Dated 16-08-2016.

It is hereby notified that vide High Court order dated 12-08-2016 Mr. Jahangir Mir S/o Mohd Yousuf Mir R/o Gulgam, Tehsil Kupwara, District Kupwara, A/P 8-B, Friends Enclave, Humhama Heights, Near International Airport, Srinagar has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification, subject to the verification of his provisional/LL.B Degree Certificate and verification of his character and antecedent from the concerned agency. His name has been entered under Serial No. JK-341/2016 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

By order.

Notification

No. 576 Dated 16-08-2016.

It is hereby notified that vide High Court order dated 12-08-2016 Ms. Waheeda Khazir D/o Mr. Khazir Mohd Dar R/o Marizigund Water Gam Payeen, Tehsil Sopore, District Baramulla has been admitted and enrolled as an Advocate on the Roll of Jammu and Kashmir Bar Council provisionally for a period of one year from the date of issuance of this notification, subject to the verification of her provisional/LL.B Degree Certificate and verification of her character and antecedent from the concerned agency. Her name has been entered under Serial No. JK-342/2016 in the Roll of Advocates maintained by this Registry.

The renewal/extension of provisional license/enrolment must be sought before the date of expiry unless the absolute/final enrolment as an Advocate is ordered therebefore.

By order.

(Sd.) MOHAMMAD YASIN BEIGH,

Joint Registrar (Admn.).



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Separate paging is given to this part in order that it may be filed as a
separate compilation

PART I—B

Jammu and Kashmir Government—Notification.

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIAT—HORTICULTURE DEPARTMENT.

Subject :—Re-constitution of State Level Purchase Committee (SLPC)
and District Level Purchase Committee (DLPC) for
Horticulture/Horticulture (P&M) Department.

Government Order No. 46-Horti of 2016

Dated 19-10-2016.

In supersession of all previous orders on the subject and with a
view to streamline and simplify the procedures of purchases being made

in the subordinate departments, the following purchase Committees are hereby reconstituted :—

I. State Level Purchase Committee (SLPC) :

i. Department of Horticulture :

1. Secretary, Horticulture Department	Chairman
2. Director, Horticulture, Jammu/Kashmir	Member(s)
3. Director, Finance, Horticulture Department	Member
4. Representative from Industries and Commerce Department (a senior Officer to be nominated by the Administrative Department of I & C)	Member
5. Senior Most Deputy Director, Horticulture	Member
6. Senior Most Agriculture Engineer	Member
7. Senior Most Accounts Officer	Member—Secretary
8. Any other Officer/Expert, the committee may Co-opt as member.	Co-opted Member

ii. Department of Horticulture (P&M) :

1. Secretary, Horticulture Department	Chairman
2. Director, Horticulture (P&M), J&K	Member
3. Director, Finance, Horticulture Department	Member
4. Representative from Industries and Commerce Department (a senior Officer to be nominated by the Administrative Department of I&C)	Member
5. Senior Most Deputy Director, Horticulture (P&M)	Member
6. Executive Engineer (P&M), Jammu/Kashmir	Member

- | | |
|--|----------------------|
| 7. Accounts Officer posted in the Office of Directorate. | Member–
Secretary |
| 8. Any other Officer/Expert, the committee may co-opt as member. | Co-opted
Member |

II. Division Level Purchase Committee (DLPC) for Horticulture Department :

- | | |
|---|----------------------|
| 1. Director, Horticulture (concerned Division) | Chairman |
| 2. Representative of Administrative Department preferably, Director Finance | Member |
| 3. Deputy Director, Directorate of Horticulture (concerned Division) | Member |
| 4. Accounts Officer, Directorate of Horticulture (concerned Division) | Member–
Secretary |
| 5. Representative from Industries and Commerce Department | Member |
| 6. Any other Officer/Expert, the committee may co-opt as member. | Co-opted
Member |

The terms and conditions of the Purchase Committees shall be as under:—

- i. The quorum for these committees shall be 3/4th of the total strength including Chairman, Director, Finance and representative of the Industries and Commerce Department ;
- ii. The Purchase Committee shall exercise powers, as envisaged in the relevant paras of Book of Financial Powers and all other rules on the subject ;
- iii. The State Level Purchase Committee shall be competent to constitute Technical Sub-Committee to assist the SLPC for carrying out the technical analysis of the whole process.

The Technical Sub-Committee may comprise the experts of various Departments/Organizations/SKUAST, Jammu/Kashmir for providing advise on technical matters as may be referred by the State Level Purchase Committee to the Technical Sub-Committee ;

- iv. The Technical Sub-Committee shall finalize its recommendations within two weeks from the date the matter is referred to it for scrutiny/advice ;
- v. The State Level Purchase Committee shall receive the consolidated demand of items from the Divisional Heads (Indenting Officers) within a time frame to be set by the SLPC but well before initiating the tendering process ;
- vi. The State Level Purchase Committee shall be responsible for convening the meetings of the Technical Sub-Committee ;
- vii. The Purchase Committee shall follow the purchase guidelines annexed to this Government Order along with other rules on the subject ;
- viii. The Purchase Committee shall follow the e-tendering procedure, as contained in the Circular No. A/21 (2003)-Misc A-531 dated 19-09-2016, issued by the Finance Department.

By Order of the Government of Jammu and Kashmir.

(Sd.) M. H. MALIK, KAS,

Secretary to the Government.

Annexure to Government Order No. 46-Horti of 2016

Dated 19-10-2016.

Purchase Guidelines

CHAPTER I

Introduction :

Objective of the manual.—Every Department spends a sizeable amount of its budget for purchasing various types of goods to discharge the duties and responsibilities assigned to it. It is imperative that these purchases are made following a uniform, systematic, efficient and cost effective procedure in accordance with the relevant rules and regulations of the Government. The departments are required to exercise their delegation of financial powers in total conformity with the orders and guidelines issued by the competent authorities covering financial, vigilance, security, safety, counter trade and other regulatory aspects.

Public buying should be conducted in a transparent manner to bring competition, fairness and elimination of arbitrariness in the system. This will allow the prospective tenderers to formulate competitive tenders with confidence.

Jurisdiction.—For the purpose and to the extent specified herein the procedure laid down in this manual shall be binding on all the purchasing departments of the Horticulture Department. Any term or definition not defined in the manual shall carry same meaning as in various codes/guidelines issued by the Government from time to time or in good sale Act, or contract Act.

Definition :

A-1: Government.—Government in the manual means Government of Jammu and Kashmir.

A-2: Department.—For this manual department means Horticulture Department or any other department that may be declared by the

Government to be the department under the administrative control of the Horticulture Department.

A-3: Goods.—The term “goods” used in this manual applies generally to articles, materials, commodities, raw materials, spares, instruments, machinery, equipments and industrial plant etc.

A-4: Rate Contract Finalization Committee.—It means a committee constituted by the Government for a particular department under a Government Order.

A-5: Chairman/Convenor.—Chairman/Convenor means an officer nominated by the Government for a particular rate contract finalization committee.

A-6: Member-Secretary.—Member-Secretary means an Officer nominated as such by the Government or in absence of such nomination, a member of constituted committee to be nominated by the Chairman/Convenor.

Persons not in employment shall not be nominated for any of the committees without the specific permission of the Government. The Committee may nominate any Government servant as member expert temporarily and his expert advice shall be restricted to the particular item for which his advice is required.

The Chairman/Convenor shall have one vote and shall be first among equals.

A-7: Calendar for floating of NITS.—The whole exercise of making available the different inputs of Horticulture Department to the growers/farmers in time is the essence of having Purchase Committees and other committees in place.

This is possible only when the requirement is available in time and NIT is floated in such a way that the process of approving the rate list is not delayed and the objective of making available the required items to the growers/farmers within a specified time frame is not defeated. The HoDs shall also have to ensure when such items are supposed to be ready especially in case of seeds/root stock/plants. The process for

such procurement should begin in the month of February so that rates are approved in April itself. No item should be leftover for approval after June for which the Chairman of the Committee shall be held responsible.

Technical particulars to be specified in the tender document shall include the following to the extent applicable for a particular purchase :—

- (a) Scope of supply including quantity required and also end use of the required goods ;
- (b) Technical parameters and product requirements ;
- (c) Inspection procedure for goods orders and criteria of conformity ;
- (d) Requirement of special tests, if any ;
- (e) Compliance to statutory requirement w.r.t. pollution, emission and noise etc. ;
- (f) Training, technical support, after sale service and annual maintenance contract ;
- (g) Warranty requirements ;
- (h) Requirement of advance sample/drawings.

A-8: Tenders.—The text of the document should be user friendly, self contained, comprehensive, unambiguous and relevant to the objective of purchase.

Sufficient time should be allowed to the tenderers to prepare and submit their tenders.

The specifications of the required goods should be framed giving sufficient details in such a manner so that the essential requirements of the department are met.

The tender document should clearly mention the eligibility criteria to be met by the tenders such as minimum level of experience, past performance, technical capability, manufacturing facilities, financial standing, ownership, or any other legal restriction.

The clause regarding forfeiture of the EMD for post receipt tender modification should invariably find place in the tender document.

Restrictions on who is qualified to tender should conform to extent Government policies and be judiciously chosen so as not stiffly competition among the potential tenderers.

The procedure for preparing and submitting the tenders, deadline for submission of tenders, date, time and place of public opening of tenders, requirement of earnest money and performance security parameters for determining responsiveness of tenders, evaluating and ranking of tenders and criteria for full or partial acceptance of tenders and conclusion of the contract should be incorporated in the tender enquiry in clear terms.

A-9: Floating of tenders.— It shall be the duty of the Chairman/ Member-Secretary of the Purchase Committee to float the tenders for a department section-wise as per the actual requirement (minus the existing stock, if any), arrived at after extensive assessment exercise carried out by the purchasing department.

The Member-Secretary shall ensure wide publicity through appropriate media consistent with the rules/instructions issued by the Government in this behalf. from time to time.

The Member-Secretary, in order to ensure wide publicity, shall keep a mailing list and ensure furnishing the copies of to the firms who are on the mailing list of the department. The instructions of the Finance/ Industries and Commerce Departments shall remain effective as they stand on the date of invitation of tenders.

The Purchasing Department shall however, invariably check the latest directives with regard to allowing purchase preference/price preference (in respect of certain SSI units and corporations).

A-10 : A period of 3-4 weeks should be allowed in filling of the quotation by the intending manufacturers, dealers from the date of issue of tender notification or its abstract. The quotations should be in duplicate but in single sealed envelope. Only the original one should be

considered and the duplicate one should remain in the custody of the Member-Secretary.

A-11 : Receipt, Custody and evaluation of tenders.—
The Member-Secretary should ensure the opening of the tenders within 4-5 days of last date of receipt of tenders in presence of the authorized representatives of the tenderers. The tenders can be opened by a committee of three members to be nominated by the Chairman. This committee shall indicate the total number of tenders received and number of documents received in relation to each tender. The members shall affix signatures on each page and shall examine any mutilation/ cuttings/overwriting etc. and mark these appropriately. The members shall also close any vacant space on the quotation in an appropriate manner. The Member-Secretary shall prepare or get prepared under his/ her supervision the statement of rates, terms and conditions.

The Member-Secretary should prepare an eligibility comparative statement, deletion of the tenders not found eligible for incorporation in the comparative statement as per NIT. The Member-Secretary should prepare an agenda of the items to be decided for which the Member-Secretary shall make available copy of the agenda well in advance. The Purchase Committee shall record its recommendations in the shape of “MINUTES”.

Negotiations with the tenderers should be severely discouraged however in exceptional cases where negotiations are considered unavoidable, the same be resorted to, but only within the lowest evaluated responsive tenderer after duly recording the reasons.

The name of the successful tenderer to whom the supply contract is awarded should be appropriately notified by the purchase department for the information of general public.

E-Procurement : Purchase of goods through electronic mode of interface with tenderers and IT enabled arrangement of entire procurement process is gradually gaining popularity. In order to cut down transaction costs and improve efficiency and transparency, it has become mandatory for all the indenting departments to conduct all their procurements electronically. The Department should publicize all their

tenders on their websites and should proactively engage themselves in articulating user needs in the development of IT system for e-procurement.

Earnest Money Deposit : It is also known as Bid Security which is obtained as a safeguard against a bidder's withdrawing/altering its bid during the bid validity period.

EMD can be accepted in the form of Account payee demand draft, Fixed deposit receipt, Banker's cheque or a bank guarantee in acceptable form, from any commercial bank to safeguard the purchaser's interest. However, the Bank Guarantee submitted by the tenderer should be immediately verified from the issuing bank.

EMD of a tenderer shall be forfeited if the tenderer withdraws, amends its tender or impairs or derogates from the tender in any respect within the period of validity of tender. Further if the successful tenderer fails to furnish the required performance security within the specified period, its EMD will be forfeited.

EMD furnished by the all unsuccessful tenders should be returned to them without any interest whatsoever, at the earliest after the expiry of the final tender validity period but not later than 30 days after conclusion of the contract.

Performance Security : To ensure due performance of the contract, performance security is to be obtained from the successful bidder awarded the contract. Performance security should be secured normally within 21 days after notification of award of an amount 5-10% of the value of the contract acceptable in the form of Account payee demand draft, Fixed deposit receipt, Banker's cheque or a Bank guarantee.

Performance security should be refunded to the tenderer without any interest whatsoever after it duly performs and complete the contract in all respect but not later than 60 days or the security can be forfeited and credited to the purchase organization in the event of breach of contract by the tenderer/supplier.

Force Majeure : It means an event beyond the control of supplier and not involving the supplier's fault or negligence and which is

unforeseen. Such events may include but may not be restricted to, acts of purchaser either in its sovereign or contractual capacity, wars or revolutions, hostility, acts of public enemy, civil commotion, sabotage, fires, floods, explosions, epidemics, quarantine restrictions, strikes, lockouts and freight embargo.

If there is delay in performance or other failure by the supplier to perform its obligations under its contract due to event of a force majeure, the supplier shall not be held responsible for the delay/failure.

If a force majeure situation arises, the supplier shall promptly notify the purchaser in writing accordingly within 21 days of occurrence of such event. Unless otherwise directed by the purchaser in writing, the supplier shall continue to perform its obligations under the contract as far as reasonably practical, and shall seek all the reasonable alternatives for performance not prevented by the force majeure event.

If the performance in whole or in part or any obligation under this contract is prevented by any event of force majeure for a period exceeding 60 days, either party may at its option terminate the contract without any financial repercussions on either side.

There may be a force majeure situation affecting the purchase organization only. In such a situation the purchase organization is to take up with the supplier on similar lines as above for further necessary action.

Contract : The proposal or offer when accepted is a promise, a promise or every set of promises forming the consideration for each other is an agreement and an agreement if made with free consent of the parties competent to contract, for a lawful consideration and with a lawful object is a contract.

1. The terms of the contract should be precise, definite and without any ambiguities. The terms should not involve any an uncertain or indefinite liability, except in the case of a cost plus contract or where there is cost variation clause in the contract.

2. Standard forms of contract should be used or otherwise financial/legal advises should be taken while drafting the clause in the contract.
3. No work of any kind should be commenced without proper execution of an agreement which should normally be executed within 21 days of the issue of letter of acceptance. Any deviation from executing the agreement on part of the successful bidder shall constitute a sufficient ground for annulment of the award and forfeiture of the EMD.
4. The clause should also contain the mode of payment and terms of the payment.
5. Contracts should include provision for payment of all applicable taxes by the contractor or the supplier.
6. Lump sum contracts should not be entered into.
7. Departmental issue of the materials should be avoided as far as possible.
8. In contracts where the Government property is entrusted to a contractor either for use on hire charges or for doing further work on such property, specific provision for safeguarding the government property (including insurance cover) and recovery of hire charges regularly should be included in the contract.
9. A warranty clause should be incorporated in every contract requiring the tenderer/supplier, without charge, repair or rectify the damaged goods or replace such goods.
10. Normally no extension of the scheduled delivery or completion dates should be granted except where events constituting force majeure, as provided in the contract.
11. All contracts shall contain a provision for recovery of liquidated damages for default on part of the contractor.

12. All contracts for supply of goods should reserve the right of the Government to reject the goods which do not conform to the specifications.

Stage and modes of inspection : The stages and modes of inspection shall depend on the nature of the goods, total value of the contract, location of the supplier/user etc. Usually following types of inspection are taken up :—

1. Pre-dispatch inspection ;
2. Inspection on receipt at consignee's site ;
3. Inspection after installation and commissioning of the equipment at site.

The inspection procedure will be as per provision contained in the contract.

For security and to avoid the irregular and incorrect issue, the inspection notes should be machine numbered.

CHAPTER II

In supersession to all pervious orders, the State Level Purchase Committees and Divisional Level Purchase Committee are constituted as under :—

I. State Level Purchase Committee (SLPC) :—

i. Department of Horticulture :

- | | |
|--|-----------|
| 1. Secretary, Horticulture
Department | Chairman |
| 2. Director, Horticulture, Jammu/
Kashmir | Member(s) |
| 3. Director, Finance, Horticulture
Department | Member |

4. Representative from Industries and Commerce Department (a senior officer to be nominated by the Administrative department of I&C)	Member
5. Senior most Deputy Director, Horticulture	Member
6. Senior most Agriculture Engineer	Member
7. Senior most Accounts Officer	Member-Secretary
8. Any other officer/expert the committee may co-opt as member	Co-opted Member
ii. Department of Horticulture (P&M) :	
1. Secretary, Horticulture Department	Chairman
2. Director, Horticulture (P&M), J&K	Member
3. Director, Finance, Horticulture, Department	Member
4. Representative from Industries and Commerce Department (a senior Officer to be nominated by the Administrative Department of I&C)	Member
5. Senior Most Deputy Director, Horticulture (P&C)	Member
6. Executive Engineer (P&M), Jammu/Kashmir	Member
7. Accounts Officer posted in the Office of Directorate	Member-Secretary

- | | |
|---|-----------------|
| 8. Any other Officer/Expert the committee may co-opt as member. | Co-opted Member |
|---|-----------------|

II. Division Level Purchase Committee (DLPC) for Horticulture Department :

- | | |
|--|------------------|
| 1. Director, Horticulture (concerned Division) | Chairman |
| 2. Representative of Administrative Department preferable Director Finance | Member |
| 3. Deputy Director, Directorate of Horticulture, (concerned Division) | Member |
| 4. Account Officer, Directorate of Horticulture, (concerned Division) | Member-Secretary |
| 5. Representative from Industries and Commerce Department | Member |
| 6. Any other Officer/Expert the committee may co-opt as member. | Co-opted Member |

The terms and conditions of the Purchase Committees shall be as under :—

- i. The quorum for these committee shall be 3/4th of the total strength including Chairman, Director Finance and representative of the Industries and Commerce Department ;
- ii. The purchase Committee shall exercise powers, as envisaged in the relevant paras of Book of Financial Powers and all other rules on the subject ;
- iii. The Purchase Committee shall be competent to constitute Technical Sub-Committee to assist the Committee for carrying out the technical analysis of the whole process. The Technical Sub-Committee may comprise the experts of various Departments/Organizations for providing advise on

technical matters as may be referred by the Purchase Committee/Chairman to the Technical Sub-Committee ;

- iv. The Technical Sub-Committee shall finalize its recommendations within one week from the date, the matter is placed before it for scrutiny/advice ;
- v. The Purchase Committee shall, in advance identify the items to be purchased at the State level by consolidating information from the subordinate offices and initiate the tendering process for all such items, well in advance ;
- vi. The Chairman of the Purchase Committee of the concerned department shall be responsible for convening the meetings of the technical Sub-Committee and coordination between the technical Sub-Committee and the concerned Purchase Committee ;
- vii. The purchase Committee shall follow the purchase guidelines as annexed to this Government Order and other rules on the subject ;
- viii. The Purchase Committee shall follow strictly the e-tendering procedure, as contained in the Circular No. A/21 (2003)-Misc A-531 dated 19-09-2016, issued by the Finance Department.

The Government may at any time order changes in the composition of the Committee.



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JAMMU AND KASHMIR GOVERNMENT GAZETTE**

Vol. 129] Jammu, Thu., the 15th Dec., 2016/24th Agra., 1938. [No. 37

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART II—A

Orders by Heads of Departments.

CHARGE REPORT

In pursuance of Government Order No. 247-FST dated 30-09-2016 issued under Administrative Department (Forest's) endorsement No. FST/Ser/32/2016 dated 30-09-2016, we hereby certify that we have respectively handed over and taken over the charge of the Office of the Conservator of Forests (Wildlife), Jammu Region, Jammu today on 07-10-2016 in the afternoon.

We do hereby certify the following Cheque Books, G. T. Sheets and Vehicle No. JK01L-8183 (Ambassador) stand handed over and taken over :—

1. Jammu and Kashmir Government Treasury Cheque Book containing Cheques from S. No. 408001 to 408100. Cheque Nos. 408001 to 408020 used and from Cheque Nos. 408201 to 408100 unused.
2. Current Salary Cheque Book of Jammu and Kashmir Bank Ltd., New Plot, Jammu under Account No. CDG-0537010200000032. Cheque S. No. from 134201 to 1034300. Cheques Nos. 134201 to 134241 used and Cheque No. 134242 to 1034300 unused.

3. CAMPA Saving Bank Cheque Book of J&K Bank, Ambphalla Branch, Jammu under S B A/c No. 0493040500000010. Cheque serial numbered 082501 to 082600. Cheque Nos. from 082501 to 082508 used and from Cheque Nos. 0820509 to 082600 unused.
4. Zoo Account Cheque Book of Jammu and Kashmir Bank Ltd., Shalimar Road, Jammu bearing SB Account No. 36184 along with Pass Book. Cheque Nos. 3446911 to 3446914 used and Cheque No. 3446915 to 3446920 unused.
5. Shelter House Cheque Book of State Bank of India, Karan Nagar, Jammu C&A Account No. 10088445218 along with Pass Book. Cheque Nos. 253351 to 253372 used and Cheque Nos. 253373 to 253400 unused.

G. T. Sheets :

S. No.	Name of G.T. Sheets	Total
1.	52 C/4	01
2.	43K/7, K/10, K/11, K/12, K/16	05
3.	43-0/3, 0/4, 0/7, 0/8, 0/9, 0/10, 0/11, 0/12, 0/13, 0/14	10
4.	43 L/14	01
5.	43 P/1, P/2, P/3, P/5, P/6, P/7, P/9, P/11, P/13, P/14	10
Total		27

6. Working Plan Map of Bahu and Jindrah Ranges.

Vehiale No. JK01L-8183 (Ambassdor Car) having last Speedo Meter Reading.....

(Sd.) ASHWANI KUMAR GUPTA, IFS,
Chief Conservator of Forests,
Jammu Region.
Relieved Officer.

(Sd.) V. S. SENTHIL KUMAR, IFS,
Conservator of Forests (Wildlife),
Jammu Region.
Relieving Officer.



**THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

Vol. 129] Jammu, Thu., the 15th Dec., 2016/24th Agra., 1938. [No. 37

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PART II—B

Notifications, Notices and Orders by Heads of Departments.

OFFICE OF THE COLLECTOR, LAND ACQUISITION,
POWER GRID CORPORATION OF INDIA LTD., NR-II, NARWAL
BALA, JAMMU.

Subject :—Notification under section 4 (1) of Land Acquisition Act, 1990
Svt. as amended up-to-date.

Corrigendum

Please read Village Junglewar, Tehsil Phigsoo, District Doda instead
of Village Phigsoo for the land measuring 12 Marlas proposed to be acquired
for Location No. 63 out of Khasra No. 348 entered at S. No. 1 of notification

under section IV (1) of Land Acquisition Act, 1990 Svt. as amended up-to-date, issued vide this office No. N2JM/PGCIL/CLA/2016/3242-49 dated 01-03-2016 coming under the corridor of 400 KV D/C Dulhasti-Kishenpur Transmission Line.

(Sd.) KUSUM SHARMA, KAS,

Collector, Land Acquisition,
Power Grid Corporation of India Ltd.,
NR-II, Narwal Bala, Jammu.

OFFICE OF THE CHAIRMAN, BUILDING OPERATION
CONTROLLING AUTHORITY, MUNICIPAL COMMITTEE,
KISHTWAR.

Notification

Subject :—Delegation of powers under section 16 of J&K Control of Building Operation Act, 1988 read with rule (9) of the Control of Building Operation Regulations, 1988.

Reference :—Resolution No. 01 dated 11-08-2016 of the Control of Building Operations Controlling Authority, Municipal Committee, Kishtwar.

In the exercise of powers conferred under section 16 of the J&K Control of Building Operations Act, 1988, the Building Operations Controlling Authority, Municipal Committee, Kishtwar hereby delegate the powers exercisable by it to the below mentioned officers of the Municipal Committee, Kishtwar to the extent as conferred by the sections of Act indicated against each :—

S. No.	Designation of Officers	Section/sub-section under which delegated
1.	Executive Officer, MC, Kishtwar	Sections 6, 7(1), 7(2), 7(3), 8(1) & 12.
2.	Khilafwarzi Inspector, MC, Kishtwar	Sections 6, 7(1), 7(2), 7(3), 8(1) & 12.

The above said delegated powers can also be exercised by the Chairman, Building Operations Controlling Authority as and when the need arises. The above said delegation may be notified in the Govt. Gazette.

(Sd.)
Chairman,
Building Operation Controlling Authority,
Municipal Committee, Kishtwar.

OFFICE OF THE COLLECTOR, LAND ACQUISITION,
POWER GRID CORPORATION OF INDIA LTD.,
NARWAL-II BALA, BY-PASS ROAD, JAMMU.

Subject :—Notification under section 4(1) of Land Acquisition Act, 1990
Svt. as amended up-to-date.

In exercise to powers conferred upon me under section 4 (1) of Land Acquisition Act, 1990 Svt., I, Kusum Sharma (KAS), Collector, Land Acquisition, Power Grid Corporation of India Limited, Jammu, do hereby notify that the land measuring 04 Kanals 08 Marlas of Village Sahnu situated at Tehsil Dansal and District Jammu, particulars of which shown below is likely to be acquired for public purpose namely construction of 400 KV D/C Kishenpur-New Wanpoh Transmission Line.

S. No.	District	Tehsil	Village	Location Nos.	Khasra Nos.	Area
1.	Jammu	Dansal	Sahnu	17/0	228	K. M. 01-17
					267	01-08
					Sub-Total	03-05
2.	Jammu	Dansal	Sahnu	18/0	228	01-03
					Grand Total	04-08

Any objections to the acquisition of the said land shall be filed to the undersigned within 15 days from the date of publication of this notification. After expiry of the time no objections will be entertained.

(Sd.) KUSUM SHARMA, KAS,

Collector, Land Acquisition,
Power Grid Corporation of India Ltd.,
NR-II, Narwal Bala, Jammu.

OFFICE OF THE COLLECTOR, LAND ACQUISITION,
POWER GRID CORPORATION OF INDIA LTD.,
NARWAL-II BALA, BY-PASS ROAD, JAMMU.

Subject :—Notification under section 4 (1) of Land Acquisition Act, 1990
Svt. as amended up-to-date.

In exercise to powers conferred upon me under section 4 (1) of Land Acquisition Act, 1990 Svt., I, Kusum Sharma (KAS), Collector, Land Acquisition, Power Grid Corporation of India Limited, Jammu, do hereby notify that the land measuring 01 Kanal 09 Marlas of Village Drab, Tehsil and District Kishtwar, particulars of which shown below is likely to be acquired for public purposes namely construction of 400 KV D/C (Quad) Dulhasti-Kishenpur Transmission Line.

S. No.	District	Tehsil	Village	Location No.	Khasra No.	Area
						K. M.
1.	Kishtwar	Kishtwar	Drab	21	724/577/519	01-09

Any objections to the acquisition of the said land shall be filed to the undersigned within 15 days from the date of publication of this notification. After expiry of the time no objections will be entertained.

(Sd.) KUSUM SHARMA, KAS,

Collector, Land Acquisition,
Power Grid Corporation of India Ltd.,
NR-II, Narwal Bala, Jammu.

GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE COLLECTOR, LAND ACQUISITION
(ADDL. DEPUTY COMMISSIONER), UDHAMPUR.

Corrigendum

Specifications in notification under sub-section (1) of section 4 of Jammu and Kashmir Land Acquisition Act issued by this Collectorate vide No. LA/ADC/834-43 dated 31-10-2016 have been modified.

Now specifications may be read as under :—

S. No.	District	Tehsil	Village	Tower Nos.	Khasra Nos.	Area K. M. 01-08
1.	Udhampur	Udhampur	Morh	T20	227/203 Min	01-08
2.	do.	do.	do.	T21	265/246/ 226/203 Min	01-16
3.	do.	do.	do.	T22	265/246/ 226/203 Min	01-08
4.	do.	do.	do.	T23	158 Min 165 Min	01-03 00-13
5.	do.	do.	do.	T24	247/240/ 200 Min	01-08
Total						07-16

Instead of

S. No.	District	Tehsil	Village	Tower No.	Khasra No.	Area
1	2	3	4	5	6	7
1.	Udhampur	Udhampur	Morh	T20	227/203 Min	00-03
2.	do.	do.	do.	T21	265/246/ 226/203 Min	00-03

1	2	3	4	5	6	7
						K. M.
3.	Udhampur	Udhampur	Morh	T22	265/246/ 226/203 Min	00-03
4.	do.	do.	do.	T23	165 Min	00-03
5.	do.	do.	do.	T24	247/240/ 200 Min	00-03
					Total	00-15

(Sd.) ANGREZ SINGH RANA (KAS),

Collector, Land Acquisition
(Addl. Deputy Commissioner),
Udhampur.

OFFICE OF THE COLLECTOR, LAND ACQUISITION
(ADDL. DEPUTY COMMISSIONER), UDHAMPUR.

Notification

In exercise of the powers vested in me under sub-section (1) of section 4 of the Land Acquisition Act, 1990 B. K., I, Angreez Singh Rana, Collector, Land Acquisition (Addl. Deputy Commissioner), Udhampur do hereby notify the land particulars of which are given below is likely to be needed for the public purpose i. e. widening of National Highway up to four lane at Village Champari, Tehsil Chenani, District Udhampur.

Objection, if any, to the acquisition of the said land shall be received by undersigned either individually or through authorized agent within 15 days from the date of issuance of this notification in my office at Deputy Commissioner Office Complex, Udhampur.

Specifications of land

District	Tehsil	Village	Khasra Nos.	Area
				K. M.
Udhampur	Chenani	Champari	92	06-15
			91 Min	00-12
			93 Min	01-01
			100 Min	01-17
			106 Min	00-06
			Total	10-11

(Sd.) ANGREZ SINGH RANA (KAS),

Collector, Land Acquisition
(Addl. Deputy Commissioner),
Udhampur.

GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE COLLECTOR, LAND ACQUISITION,
SUB-DIVISIONAL MAGISTRATE, BASANTGARH
(DISTRICT UDHAMPUR).

Subject :—Notification under section 4 (1) of the Jammu and Kashmir
Land Acquisition Act No. X of 1990 BK.

Notification

In exercise of powers conferred upon me under sub-section (1) of
section 4 of the Land Acquisition Act No. X of 1990 B. K., I, Kewal
Krishan, KAS, Collector, Land Acquisition, Sub-Divisional Magistrate,

Basantgarh, District Udhampur do hereby notify the land measuring 12 Kanals 5 Marlas particulars of which are given below is likely to be needed for the public purpose namely for construction of PMGSY Road Phase-VII from “Parla Chakal to Balota” in Village Playee, Tehsil Basantgarh, District Udhampur.

Objections, if any, to the acquisition of the below mentioned land will be received by undersigned within 15 days from the date of publication of this notification in Govt. Gazette.

Specifications of land

District	Tehsil	Village	Khasra Nos.	Area
				K. M.
Udhampur	Basantgarh	Playee	276/76	00–12
			214/1	02–00
				01–00
			214/1	00–13
			264/6	02–17
			247/225/14	00–07
			247/225/14	00–07
			247/225/14	00–18
			247/225/14	01–12
			247/225/14	00–13
			247/225/14	00–13
			247/225/14	00–13
			Total	12–05

(Sd.) KEWAL KRISHAN, KAS,
Collector, Land Acquisition,
Sub-Divisional Magistrate,
Basantgarh.

THE JAMMU AND KASHMIR STATE BOARD OF SCHOOL
EDUCATION, NEW CAMPUS, BEMINA, SRINAGAR.

Notice

The candidate whose particulars are mentioned below is claiming to have lost/gutted his Original and as well as Duplicate Qualification certificate/s issued by J&K State Board of School Education, under Serial Nos. 10808 and 5689 respectively, with following particulars :—

- | | | |
|------------------|---|-------------------------|
| 1. Name | : | Mohd Imtiyaz |
| 2. Parentage | : | Gh. Qadir |
| 3. Residence | : | Nagam, Chadoora, Budgam |
| 4. Date of Birth | : | 11-03-1962 |
| 5. Roll No. | : | 1707 |
| 6. Session | : | 1978/October |
| 7. Result | : | Passes |

Now, the candidate has applied for “2nd Duplicate Qualification Certificate”. Before, the same is processed and provided to the concerned candidate, any person/s having any objections in this regard, may please file the same before the Secretary, BOSE or to the undersigned within a period of seven days from the date of issue of this notice.

Besides, the above referred “both Qualification Certificates” be treated as cancelled.

(Sd.)

Assistant Secretary,
Certificates, K. Div.

Notice

I, Suman Bala D/o Shri Nachhatar Singh, VPO Mandir Domana, Jammu want to correction of my father's name which has been wrongly written as Naresh Chander instead of correct name of Nachhatar Singh in my PAN Card bearing No. CKLPB5398F. Objection, if any, may be conveyed to concerned authority within 7 days from the date of publication of this notice.

Notice

My father name has wrongly been written as Mela Sharma instead of Mela Ram in my PAN Card bearing Regd. No. DOVPS3746R. Now, I am applying for correction of the same. Objection, if any, may be conveyed to Income Tax Office, Jammu within 7 days.

Rita Sharma
D/o Mela Ram
R/o Near Police Line,
Opp. Fire Service, Rajouri,
PIN-185131.

Notice

I, Andhir Singh (employed as Peon in MES vide No. 507086 posted at GE, Samba), S/o Sh. Anchal Singh R/o Garh Mandi, Gurha Slathia, Tehsil Vijaypur, District Samba do hereby declares that before marriage my wife's name was Kusum Lata, after marriage it was changed to Alka Slathia. In my service record it was recorded as Kusum Lata instead of Alka Slathia. Now, I am applying for correction of the name. Objection, if any, may be conveyed to Garrison Engineer, Samba within 7 days.

Notice

I, Dharam Paul S/o Krishan Lal have changed my name from Dharam Paul to Pankaj Raina in all my Govt. records/documents by affidavit sworn before the Judicial Magistrate, 1st Class, Akhnoor on 3rd August, 2016. Henceforth I shall be known as Pankaj Raina for all purposes.

Dharam Paul S/o Krishan Lal
R/o Dori Dager, Tehsil Khrah Balli,
District Jammu,
Mob. No. 9697583266.

Notice

My father name has wrongly been written as Narinjan Singh instead of Nirjan Singh in my PAN Card bearing Reg. No. EJOPK5143M. Now, I am applying for correction of the same. Objection, if any, may be conveyed to Income Tax Office, Jammu within 7 days.

Manjeet Kour
D/o Nirjan Singh
R/o Bagga Morh, Kotli Shah
Doula, Tehsil R. S. Pura,
District Jammu.

GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE COLLECTOR, LAND ACQUISITION
(SUB-DIVISIONAL MAGISTRATE), RAMNAGAR.

Notification under section 4 (1) of Land Acquisition Act, No. X
of 1990 Svt.

In exercise of the powers conferred upon me under sub-section 1 of section 4 of the Land Acquisition Act, 1990 B. K., I, Anshul Garg IAS, Collector, Land Acquisition (Sub-divisional Magistrate), Ramnagar do hereby notify the land particulars of which are given below, likely to be needed for public purposes namely for construction of Thelay to Kothi PMGSY Road in Village Jagir Ghordi, Tehsil Ramnagar.

It is also certified that one private structure belonging to Jiwan Kumar S/o Charan Dass in Khasra No. 372 Min falls in the alignment of the said road. However no fruit/non-fruit bearing trees fall in the alignment of the said road. Objection, if any, to the acquisition of the said land will be received by undersigned within fifteen (15) days from the date of publication of this notification.

Specification of land

District	Tehsil	Village	Khasra Nos.	Area
				K. M.
Udhampur	Ramnagar	Jagir Ghordi	498/328 Min	08-14
			395/356 Min	03-09
			396/356 Min	01-10
			355/01 Min	02-02
			489/355 Min	04-08
			491/355 Min	02-02
			488/399/372 Min	06-03
			Total	28-08

(Sd.) ANSHUL GARG, IAS,
Collector, Land Acquisition
(Sub-Divisional Magistrate),
Ramnagar.



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ADVERTISEMENTS—C

OFFICE OF THE EXECUTIVE ENGINEER, TRANSMISSION LINE
MAINTENANCE DIVISION-I, JANIPUR, JAMMU.

Power Development Department J&K Notice Inviting e-Bids.

NIT No. TLMD-I/J/20 of 2016-17 dated 21-11-2016.

(Notice Inviting Tender)

The Executive Engineer, Transmission Lines Maintenance Division-I, Jammu, Power Development Department, J&K, for and on behalf of the Governor, Jammu and Kashmir State invites online e-Bids from experienced, reputed competent and financially sound Contractors/ Companies/Firms/Joint Ventures for Turn Key Package for supply, installation, testing and commissioning of 33 KV VACUUM CIRCUIT BREAKER AND REPLACEMENT OF OLD 33 KV BOCB AT GRID STATION, AKHNOOR, DISTRICT JAMMU (J&K) fulfilling eligibility and qualification requirements specified in the bidding documents. Bidders

are advised to study the bidding document carefully. Submission of e-Bid against this Standard Bidding Document (SBD) shall be deemed to have been done after careful study and examination of the procedures, terms and conditions of the Standard Bidding Document with full understanding of its implications. The tender document is available at website <http://jktenders.gov.in>. Interested bidders may view/download the e-Bid document, submit their e-Bid online up to the date and time mentioned in the table below :—

Scope of the work	Estimated Cost	Earnest Money	Cost of Tender Documents	Last date of e-Bids submission online
Supply, installation, testing and commissioning of 02 Nos. 33 KV VACUUM CIRCUIT BREAKER AND REPLACEMENT OF 02 NOS. OLD 33 KV BOCB at Grid Station, Akhnoor.	Rs. 8.50/- Lacs	Rs. 0.17/- Lacs	Rs. 2000/- (Rupees Two Thousand only) in the shape of non-refundable bank draft drawn in favour of Executive Engineer, Transmission Line Maintenance Division-I, Jammu.	14-12-2016
a. Date and time of downloading of Standard Bidding Document	The Standard Bidding Document can be downloaded over http://jktenders.gov.in from 21-11-2016 (4.00 PM onwards).			
b. Tender Document Sale and Download end date	03-12-2016 (up to 4.00 PM).			

- | | |
|--|---|
| c. Pre-bid meeting | 29-11-2016 at 1200 hrs. in the Office of Executive Engineer, TLMD-I, Janipur, Jammu—180007 for any clarification if required. |
| d. e-Bid submission start date
(Submission of e-Tender fee, EMD and other supporting documents in PDF/XLS format) | 03-12-2016 from 4.00 PM. |
| e. Last date for submission of hard copy of e-Bid | 10-12-2016 at 4.00 PM. |
| f. e-Bid submission end date and time | 14-12-2016 at 2.00 PM. |
| g. Online Commercial and Technical e-Bid opening date and time | 16-12-2016 at 2.00 PM. |
| h. Online financial e-Bid opening date and time | Will be communicated to the Technically Qualified Bidders. |
| i. Estimated cost | Rs. 8.50 Lacs. |
| j. Venue of opening of Technical and Financial e-Bids | The Office of Executive Engineer, TLMD-I, Janipur, Jammu-180007. |
| k. Amount of Earnest Money Deposit | Rs. 0.17 Lacs. |

Time for downloading of tender document—

From 21-11-2016 (4 .00 PM onwards) to 03-12-2016 (up to 4.00 PM) from the website of <http://jktenders.gov.in>.

The bid of the firms/contractors/self-help groups/companies/joint ventures involved in the litigation/arbitration with the PDD without completing the works allotted to them, shall not be considered.

Period of completion : 03 Months. After the issue of LOA.

Status of Fund : To be funded under T&D.

The qualifying criteria for the bidders shall be the following :—

- (1) The bidder shall have the following minimum Qualification Criteria for submitting the bid :—
 - (a) Average annual financial turnover during the last 3 years, ending 31st March of the previous financial year, should be at least 30% of the estimated cost.
 - (b) Experience of having successfully completed similar works during last 5 years ending last day of month previous to the one in which applications are invited should be either of the following :—
 - (i) Three similar completed works costing not less than the amount equal to 40% of the estimated cost.
 - or
 - (ii) Two similar completed works costing not less than the amount equal to 50% of the estimated cost.
 - or
 - (iii) One similar completed works costing not less than the amount equal to 80% of the estimated cost.
 - (c) Equipment proposed shall be of similar or higher rating which should be in service for a minimum period of two (2) years and satisfactory performance certificate in respect of this is to be submitted.
- (2) e-Bids can be submitted by—
 - (i) A single firm that meets all qualification requirements set forth above.
 - (ii) A joint venture of firms not more than two who shall meet all qualification requirements set forth above individually or jointly. Either of the partner can be designated as lead partner on whose name tender shall be purchased.
 - (iii) All the e-Bids must be accompanied by the scanned copy of EMD in the form of Bank Guarantee pledged to the

Executive Engineer, Transmission Line Maintenance Division-I, Janipur, Jammu, J&K. No interest would be payable on Earnest Money deposited with the department.

- (iv) To submit Hard Copy of original instrument of EMD to Executive Engineer, Transmission Line Maintenance Division-I, Janipur, Jammu, J&K before the opening of the Commercial and Technical e-Bid.
- (3) The date and time of opening of Financial Bids shall be notified on Website <http://jktenders.gov.in>. This will be conveyed to the qualified bidders automatically through an e-Mail message on their e-Mail address. The financial bids shall be opened accordingly online on same Website at the Office of Executive Engineer, TLMD-I, Janipur, Jammu (PDD), J&K. The e-Bids will be electronically opened in the presence of bidder's representatives, who choose to attend at the venue, date and time mentioned in the above table. The bidder's representative attending the opening shall have to produce an authority letter issued by the firm.
- (4) This SBD is available on the website <http://jktenders.gov.in> to enable the bidders to view, download the e-Bid document and submit e-Bids online up to the last date and time mentioned in e-Tender notice/e-Tender document against this e-Tender. The bidders shall have to pay the e-Bid document fee of Rs. 2000/- (Rupees two thousand only) through Demand Draft payable to Executive Engineer, Transmission Line Maintenance Division-I, Janipur, Jammu. The scanned copy of the Demand Draft must be uploaded along with the e-Bid but the original Demand Draft should reach the Office of Executive Engineer, Transmission Line Maintenance Division-I, Janipur, Jammu, J&K along with the hard copy of e-Bid. The e-Tender document fee will be non-refundable.
- (5) The bidder should submit six set of duly signed and stamped hard copy of SBD except Price Bid to the Office of Executive Engineer, Transmission Line Maintenance Division-I, Jammu, J&K before two days of e-Bid submission.

- (6) The Executive Engineer, Transmission Line Maintenance Division-I, Jammu, Power Development Department reserves the right to reject any or all the e-Bid documents without assigning any reasons thereof.
- (7) The bidder should visit the Grid Station, Akhnoor, Jammu before quoting and acquaint himself with the prevailing conditions/ existing system there.
- (8) Bidder/contractor has to complete all the works which may not have been mentioned in the BoQ but necessary for completion of supply, installation, testing and commissioning of 02 Nos. 33 KV VACUUM CIRCUIT BREAKER AND REPLACEMENT OF 02 NOS. OLD 33 KV BOCB AT GRID STATION, AKHNOOR, DISTRICT JAMMU, J&K.
- (9) The quantities advertised are tentative and same can be increased or decreased by $\pm 50\%$.

(Sd.)

Executive Engineer,
TLMD-I, Janipur, Jammu.



رجسٹرڈ نمبر ہے کے۔ 33

جموں و کشمیر گورنمنٹ گزٹ

جلد نمبر 129۔ جموں۔ مورخہ 15 دسمبر 2016ء بمطابق 24 اگراہنا 1938ء ویروار۔ نمبر 37

اشتہارات

از عدالت سٹی منصف جوڈیشل مجسٹریٹ سرینگر

سرکار بنام راکیش شرما وغیرہ

علت نمبر 32 سال 2006ء، تھانہ پولیس بٹہ مالو

جرم زبردفعہ RPC 294

وارنٹ گشتی عام زبردفعہ 512 ضف

146۔ جموں و کشمیر گورنمنٹ گزٹ نمبر 37 مورخہ 15 دسمبر 2016ء بمطابق 24 اگراہنا 1938۔ ضمیمہ ج

بخلاف ملزم : راکیش شرما ولد مہیش رام شرما ساکنہ Thaita, Tehsil Puni

Shimla, Himachal Pradesh

حکم بنام : اہلکاران پولیس ریاست جموں و کشمیر

مقدمہ مندرجہ عنوان الصدر میں ملزم مذکور بالا کے خلاف کارروائی زبردفعہ 512 ض ف
بجمل لائی جا چکی ہے۔

لہذا آپ کو حکم و اختیار دیا جاتا ہے کہ ملزم مذکور بالا جہاں کہیں بھی آپ
کو دستیاب ہو، کو گرفتار کر کے عدالت سٹی منصف جوڈیشل مجسٹریٹ سری نگر میں
پیش کریں۔ وارنٹ ہذا تاسیاتی ملزم زیر کارر ہے گا۔ تحریر 30-04-2016

دستخط : سٹی منصف جوڈیشل مجسٹریٹ سری نگر۔

از عدالت جوڈیشل مجسٹریٹ درجہ اول چمہنی

عنوان سرکار بنام عبدالعزیز وغیرہ

بمشل نمبر 03/ج، دائرہ 18-04-2016، فیصلہ رواں

پرچہ علت نمبر 15 سال 2016ء، تھانہ پولیس۔۔۔۔

بحرائم زیر دفعات 361, 349, 372, 373 RPC

وارنٹ گشتی عام زبردفعہ 512 ہر خاص و عام

حکم بنام : اہلکاران پولیس ریاست جموں و کشمیر

مقدمہ مندرجہ عنوان الصدر میں چالان مقدمہ عدالت ہذا میں خلاف ملزم
عدالت ہذا میں پیش ہو چکا ہے اور ملزم نمبر (2) غلام حسین ولد محمد رمضان قوم مسلمان

ساکنہ اوہان پور تحصیل و ضلع ڈوڈہ بعد ارتکاب جرم روپوش ہو چکا ہے۔ جس کی نسبت I/O نے حکم نامہ گرفتاری بالترتیب جاری کئے اور تعمیل کنندہ نے علاقہ دہہ میں جا کر ملزم مذکور کی کافی تلاش کی اور وہ دستیاب نہ ہو سکا۔ راقم نے I/O و تعمیل کنندہ کے بیانات زیر قلم لائے اور انہوں نے ظاہر کیا کہ ملزم مذکورہ بعد ارتکاب جرم روپوش ہو چکا ہے اور اُسکی سر دست دستیابی کی کوئی اُمید نہ رہی ہے اور راقم کو جس سے اطمینان ہوا کہ واقعہ ہی ملزم کی سر دست دستیابی کی کوئی اُمید نہ ہے اور I/O نے استدعا کی کہ ملزم مذکورہ کے خلاف کارروائی زیر دفعہ 512 ض ف عمل میں لائی جائے اور ملزم کے خلاف کارروائی زیر دفعہ 512 crpc عمل میں لائی جاتی ہے۔

لہذا پولیس ریاست جموں و کشمیر کو بذریعہ وارنٹ ہذا حکم دیا جاتا ہے کہ ملزم غلام حسین ولد محمد رمضان قوم مسلمان ساکنہ اوہان تحصیل و ضلع ڈوڈہ پیشہ ڈرائیور اندر حدود ریاست کہیں بھی موجود ہو کو گرفتار کر کے جناب پرنسپل ڈسٹرکٹ اینڈ سیشن کورٹ اودھم پور میں پیش کریں۔ کیوں کہ چالان مقدمہ Commitment ہو چکا ہے اور وارنٹ ہذا

تا دستیابی ملزم زیر کار رہے گا۔ تحریر 18-04-2016

وارنٹ ہذا راقم کے دستخط و مہر سے جاری ہوا۔

دستخط: منصف جوڈیشل مجسٹریٹ درجہ اول چھنی۔

از عدالت پرنسپل سیشن جج کٹھوعہ

بمقدمہ روپکار بنام بیر سنگھ

مثل نمبر Misc.167، متدائرہ 16-08-2013

علت نمبر 202 سال 2010ء، تھانہ پولیس راجباغ

جرم زیر دفعہ 514 ض ف

وارنٹ گشتی عام زیر دفعہ 512 ض ف

حکم بنام : اہلکاران پولیس ریاست جموں و کشمیر

مقدمہ مندرجہ عنوان اُلصدر میں مول بیر سنگھ ولد جوگیندر سنگھ ساکنہ پٹھانکوٹ
حال تحصیل ڈھین چھنی تھانہ سوجانپور بعد ارتکاب جرم روپوش ہو چکا ہے۔ آفیسر تلاش کنندہ کا
اظہار ہے کہ مول مذکور کی سر دست دستیابی ناممکن ہے۔ اظہار کی تائد میں تلاش کنندہ کا بیان
قلمبند کیا گیا بعد ملاحظہ عدالت ہذا کو اطمینان ہوا کہ مول مذکور کی سر دست دستیابی ناممکن ہے۔
لہذا مول مذکور کے خلاف کارروائی زیر دفعہ 512 ض ف عمل میں لائی جا کر
اہلکاران پولیس ریاست جموں و کشمیر کو حکم اختیار دیا جاتا ہے کہ مول مذکور کو اندر حدود ریاست
جموں و کشمیر جہاں کہیں اور جب کبھی بھی دستیاب ہو گو گرفتار کر کے عدالت ہذا میں پیش کریں۔
وارنٹ گشتی عام مجریہ تا دستیابی مول مذکور زیر کار ہے گا۔ اس بارہ میں تاکید جانو۔
آج مورخہ 28 ماہ اپریل 2016ء بدستخط راقم و مہر عدالت ہذا سے جاری ہوا۔
دستخط: ڈسٹرکٹ اینڈ سیشن جج کٹھوعہ۔

EXTRAORDINARY

REGD. NO. JK—33



THE
JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol.129] Jammu, Tue., the 27th Sept, 2016/5th Asv., 1938. [No. 25-e

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE AND
PARLIAMENTARY AFFAIRS

Notification

Srinagar, the 27th September, 2016.

SRO-310.—In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, Samvat, 1989, and in supersession of Notification SRO-304 dated 20th September, 2016, the

Government hereby appoints the below mentioned officers to be the Executive Magistrates of the First Class who shall exercise all the powers of an Executive Magistrate of the First Class within the jurisdiction as shown against each :—

S. No.	Name of the Officer	Designation	Jurisdiction
1.	Mohammad Saleem Khan	Dy. Custodian	Districts Anantnag, Pulwama, Shopian and Kulgam.
2.	Mohammad Iqbal Haji	do.	District Kathua.
3.	Gh. Nabi Mir	do.	Districts Baramulla, Kupwara and Bandipora.
4.	Aijaz Ahmad	do.	Headquarter Jammu with additional charge of Districts Reasi and Samba.
5.	Ab. Rashid Sheikh	do.	District Poonch.
6.	Ashok Kumar Safaya	do.	District Rajouri.
7.	Mushtaq Ahmad Baqal	do.	Headquarter Srinagar with Districts Budgam and Ganderbal.
8.	Abdul Qayoom Qadri	do.	District Udhampur.

By order of the Government of Jammu and Kashmir.

(Sd.) ABDUL MAJID BHAT,

Secretary to Government,
Department of Law, Justice and Parliamentary Affairs.

EXTRAORDINARY

REGD. NO. JK—33



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 129] Jammu, Tue., the 4th Oct., 2016/12th Asv., 1938. [No. 26-d

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—HOUSING AND URBAN
DEVELOPMENT DEPARTMENT

Notification

Srinagar, the 4th October, 2016.

SRO-319.—In exercise of the powers conferred by section 4 of the Jammu and Kashmir Development Act, 1970 (XIX of 1970), the Government hereby appoints the following as members of the Baramulla Development Authority constituted vide SRO-316 dated 26-10-1998 :—

1. Minister for Housing and Urban Dev. Deptt. Chairman
2. Minister of State for Housing and Urban Vice-Chairman
Development Department

- | | |
|--|------------------|
| 3. Member, Legislative Assembly, Baramulla | Member |
| 4. District Development Commissioner,
Baramulla | Member-Secretary |
| 5. Director, Urban Local Bodies, Kashmir | Member |
| 6. Chief Town Planner, TPO, Kashmir | Member |
| 7. President/Administrator, Municipal
Committee, Baramulla | Member |
| 8. Superintendent Engineer, R&B, Baramulla | Member |
| 9. Superintendent Engineer, PHE, Baramulla | Member |
| 10. Superintendent Engineer, EM&RE,
Baramulla | Member |
| 11. Executive Engineer, Town Drainage
Division, ULB, Kashmir | Member |
| 12. Regional Director, Directorate of Env. and
Remote Sensing | Member |

The members shall hold the office for a period of two years.

By order of the Government of Jammu and Kashmir.

(Sd.)

Commissioner/Secretary to Government,
Housing and Urban Development Department.

EXTRAORDINARY

REGD NO. JK—33



**THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

Vol. 129] Jammu, Thu., the 6th Oct., 2016/14th Asv., 1938. [No. 27-f

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT— FINANCE DEPARTMENT

Notification

Srinagar, the 6th October, 2016.

SRO-328.—In exercise of the powers conferred by sections 16&17 of the Jammu and Kashmir Value Added Tax Act, 2005, the Government hereby direct that the entry 143-A of Schedule C of Notification SRO-210 dated 29-06-2016 shall be re-cast as under :—

“Motor vehicles when sold by authorized dealers to the members of Armed Forces of Indian Union, Paramilitary Forces, Ex-servicemen

2 The J&K Govt. Gazette, 6th Oct., 2016/14th Asv., 1938. [No. 27-f

having canteen smart cards and certified by the Canteen Store Department,
once in a period of five years.”

By order of the Government of Jammu and Kashmir.

(Sd.) NAVIN K. CHOUDHARY, IAS,
Commissioner/Secretary to Government,
Finance Department

EXTRAORDINARY

REGD. NO. JK—33



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 129] Jammu, Fri., the 14th Oct., 2016/22nd Asv., 1938. [No. 28-c

Separate paging is given to this part in order that it may be filed as a
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PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE AND
PARLIAMENTARY AFFAIRS
(Power Section)

Notification

Srinagar, the 14th of October, 2016.

SRO-332.—In exercise of powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, Samvat 1989, the Government hereby appoint the following officers to be the Executive Magistrates of

the First Class who shall exercise all the powers of an Executive Magistrate of the first Class within their respective territorial jurisdictions of District Kargil :—

S. No.	Name of the Officer	Designation and place of posting
01.	Mohd. Ibrahim Khan	Naib-Tehsildar, Thisuru
02.	Sonam Joldan	Naib-Tehsildar, Taisuru
03.	Mohd. Abass Wazir	Naib-Tehsildar, Sankoo
04.	Ghulam Rasool	Naib-Tehsildar, Sankoo
05.	Fida Mohd. Hassanain	Naib-Tehsildar, G. M. Pore
06.	Mohd. Hassan	Naib-Tehsildar, TSG
07.	Mohd. Hussain	Naib-Tehsildar, Shakar Chicktan
08.	Mohd. Hassan	Naib-Tehsildar, Shargole
09.	Asgar Ali	Naib-Tehsildar, Zangla
10.	Talib Hussain	Naib-Tehsildar, Zanskar
11.	Abdul Rehman	Naib-Tehsildar, PA to Deputy Commissioner, Kargil

By order of the Government of Jammu and Kashmir.

(Sd.) ABDUL MAJID BHAT,

Secretary to Government,
Department of Law, Justice and Parliamentary Affairs.

EXTRAORDINARY

REGD. NO. JK—33



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

Vol. 129] Jammu, Wed., the 19th Oct., 2016/27th Asv., 1938. [No. 28-h

Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—HOUSING AND URBAN
DEVELOPMENT DEPARTMENT

Notification

Srinagar, the 19th October, 2016.

SRO-337.—In exercise of the powers conferred by section 305 read with 280 of the Jammu and Kashmir Municipal Act, 2000, the Government in consultation with the Chief Electoral Officer make the following amendments in the Jammu and Kashmir Municipal (Election) Rules, 2003, namely :—

- I In rule 17, in clause (a) for the words “ballot paper by the electors”, the words “ballot paper by the electors and shall also include electronic voting machine” shall be substituted.

II after rule 45, the following rule shall be inserted, namely :—

“45-A. Voting machine at elections.—Notwithstanding anything contained in these rules, the giving and recording of votes by voting machines in the manner provided hereinafter in these rules may be adopted in such constituencies as the Chief Electoral Officer may, having regard to the circumstances of each case, specify.

Explanation :—for the purpose of this rule, “voting machine”, means any machine or apparatus whether operated electronically or otherwise used for giving or recording of votes and any reference to a ballot box or ballot paper in these rules, save as otherwise provided, be construed as including a reference to such voting machine wherever such voting machine is used at any election.”

III In rule 57, in sub-rule (1), for the words “cannot be ascertained” the words “cannot be ascertained or any voting machine develops a mechanical failure during the course of recording of votes” shall be substituted.

IV After Chapter III, the following Chapter IIIA shall be inserted :—

“CHAPTER IIIA

Voting by Electronic Voting Machines

57-A. Design of Electronic Voting Machines :

Every electronic voting machine (hereinafter referred to as ‘voting machine’) shall have a control unit and a balloting unit and shall be such designs as may be approved by the Chief Electoral Officer :

Provided that a printer with a drop box of such design, as may be approved by the Chief Electoral Officer, may also be attached to a voting machine for printing a paper trail of the vote, in such Municipal Council/Committee as the Chief Electoral Officer may direct.

57-B. Preparation of Voting Machine by the Returning Officer :

(1) The balloting unit of the voting machine shall contain such particulars and in such languages as the Chief Electoral Officer may specify.

(2) The names of the candidate shall be arranged on the balloting unit in the same order in which they appear in the list of the contesting candidates.

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in the same other manner.

(4) Subject to the foregoing provisions of this rule, the Returning Officer shall,—

- (a) fix the label containing the names and symbols of the contesting candidates in the balloting unit and secure that unit with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same ;
- (b) set the number of contesting candidates in the control unit and secure it with his seal and the seals of such of the contesting candidates or their election agents present as are desirous of affixing the same ;
- (c) where the printer for paper trail is used under the proviso to rule 57-A, set the printer as per the number of contesting candidates set in the control unit by,—
 - i. loading in the printer the serial numbers and names of candidates and symbols allotted to them as given on the balloting units under clause (a) ;
 - ii. loading paper in the printer ; and
 - iii. sealing the printer in such manner as may be directed by the Chief Electoral Officer.

57-C. Arrangements at the Polling Stations :

(1) Outside each polling station there shall be displayed prominently,—

- (a) a notice specifying the polling area, the electors of which are entitled to vote at the polling station and, when the polling area has more than one polling station, the particulars of the electors so entitled ; and
- (b) a copy of the list of contesting candidates.

(2) At each polling station there shall be set up one or more voting compartments in which the electors can record their votes free from observation.

(3) The Returning Officer shall provide at each polling station one voting machine and copies of relevant part of the electoral roll and such other election material as may be necessary for taking the poll.

(4) Without prejudice to the provisions of sub-rule (3), the Returning Officer may, with the previous approval of the Chief Electoral Officer, provide one common voting machine for two or more polling stations located in the same premises.

57-D. Admission to Polling Stations :

The Presiding Officer shall regulate the number of electors, to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than,—

- (a) Polling Officers ;
- (b) Public servants on duty in connection with the election ;
- (c) Persons authorised by the Chief Electoral Officer ;
- (d) Candidates, their election agents and subject to the provisions of rule 37, one polling agent of each candidate ;
- (e) A child in arms accompanying the elector ;
- (f) A person accompanying a blind or infirm elector who cannot move without help ; and
- (g) Such other person as the Returning Officer or the Presiding Officer may employ under sub-rule (2) of rule 57-G or sub-rule (1) or rule 57-H.

57-E. Preparation of voting machine for poll :

(1) The control unit and balloting unit of every voting machine used at the polling station and the printer for paper trail, wherever used, shall bear a label marked with—

- (a) the serial number, if any, and the name of the Municipal Council/Committee ;
- (b) the serial number and name of the polling station or stations as the case may be ;
- (c) the serial number of the unit ; and
- (d) the date of poll.

(2) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that no vote has been already recorded in the voting machine and it bears the label referred to in sub-rule (1), and where the printer for paper trail is used that the drop box of the printer is empty.

(3) A paper seal shall be used for securing the control unit of the voting machine, and the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signature of such of the polling agents present as are desirous of affixing the same.

(4) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefore in the control unit of the voting machine and shall secure and seal the same.

(5) The seal used for securing the control unit shall be fixed in such manner that after the unit has been sealed, it is not possible to press the “result button” without breaking the seal.

(6) The control unit shall, after being closed and secured, be placed in full view of the Presiding Officer and the polling agents and the balloting unit shall be placed in the voting compartment.

(7) Where the printer for paper trail is used, the printer shall also be kept along with the balloting unit in the voting compartment and shall be

connected to the electronic voting machine in the manner as directed by the Chief Electoral Officer.

57-F. Marked Copy of Electoral Roll :

Immediately before the commencement of the poll, the Presiding Officer shall also demonstrate to the polling agents and others present that the marked copy of the electoral roll to be used during the poll.

57-G. Facilities for Women Electors :

(1) Where a polling station is for both men and women electors, the Presiding Officer may direct that they shall be admitted into the polling station alternatively in separate batches.

(2) The Returning Officer or the Presiding Officer may appoint a woman to serve as attendant at any polling station to assist women electors and also to assist the Presiding Officer generally in taking the poll in respect of women electors, and in particular, to help in frisking any women elector in case it becomes necessary.

57-H. Identification of Electors :

(1) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

(2) As each elector enters the polling station, the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the electors.

(3) Where the polling station is situated in a Municipal Council/Committee, electors of which have been supplied with identity cards under the provisions of the Jammu and Kashmir Registration of Electors Rules, 1966, the elector shall produce his identity card before the Presiding Officer or the Polling Officer authorised by him in this behalf.

(4) In deciding the right of a person to cast his vote, the Presiding Officer or the Polling Officer, as the case may be, shall overlook the clerical

or printing errors in an entry in the electoral roll if he is satisfied that such person is identical with the elector to whom such entry relates.

57-I. Facilities for Public Servants on Election Duty :

(1) The provisions of rule 57-H shall not apply to any person who produces at the polling station an election duty certificate and seeks permission to cast his vote at that polling station although it is different from the one where he is entitled to vote.

(2) On production of such certificate, the Presiding Officer shall—

- (a) to obtain thereon, the signature of the person producing it ;
- (b) have the person's name and electoral roll number as mentioned in the certificate entered at the end of the marked copy of the electoral roll ; and
- (c) permit him to cast his vote in the same manner as for an elector entitled to vote at that polling station.

57-J. Challenging of Identity :

(1) Any polling agent may challenge the identity of a person claiming rule 57-J to be a particular elector by first depositing a sum of rupees two in cash with the Presiding Officer for each such challenge.

(2) on such deposit being made, the Presiding Officer shall—

- (a) warn the person challenged of the penalty for personation ;
- (b) read the relevant entry in the electoral roll in full and ask him whether he is the person referred to in that entry ;
- (c) enter his name and address in the list of challenged votes in Form 17 ; and
- (d) require him to affix his signature in the said list.

(3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose,—

- (a) require the challenger to adduce evidence in proof of the challenged and the person challenged to adduce evidence in proof of his identity ;
- (b) put the person challenged any question necessary for the purpose of establishing his identity and require him to answer them on oath ; and
- (c) administer an oath to the person challenged and any other person offering to give evidence.

(4) If, after the inquiry, the Presiding Officer considers that the challenge has not been established he shall allow the person challenged to vote and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to Government and in any other case, returned to the challenger at the conclusion of the inquiry.

57-K. Safeguards against personation :

(1) Every elector about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or Polling Officer and in indelible ink mark to be put on it.

(2) If any elector—

- (a) refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark ; or
- (b) fails or refuses to produce his identity card as required by sub-rule (3) of rule 57-H ;

he shall not be allowed to vote.

(3) Any reference in this rule to the left forefinger of an elector shall, in the case where the elector has his left forefinger missing, be construed as a reference to any other finger to his left hand, and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the forefinger or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

57-L. Procedure for Voting by Voting Machines :

- (1) Before permitting an elector to vote, the Polling Officer shall,—
 - (a) record the electoral roll number of the elector as entered in the marked copy of the electoral roll in a register of votes in Form 19-A ;
 - (b) obtain the signature or the thumb impression of the elector on the said register of votes ;
 - (c) mark the name of the electoral in the marked copy of the electoral roll to indicate that he has been allowed to vote ; and
 - (d) give details of the document produced by the elector in proof of his/her identification :

Provide that no elector shall be allowed to vote unless he has put his signature or thumb impression of the register of votes.

(2) Notwithstanding anything contained in sub-rule (2) of rule 57-K, it shall not be necessary for any Presiding Officer or Polling Officer or any other officer to attest the thumb impression of the elector on the register of voter.

57-M. Maintenance of secrecy of voting by electors within the polling station and voting procedure :

- (1) Every elector who has been permitted to vote under rule 57-L shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure hereinafter laid down.
- (2) Immediately on being permitted to vote, the elector shall proceed to the Presiding Officer or the Polling Officer Incharge of the control unit

of the voting machine who shall, by pressing the appropriate button on the control unit, activate the balloting unit, for recording of elector's vote.

(3) the elector shall thereafter forthwith—

- (a) proceed to the voting compartment ;
- (b) record his vote by pressing the button on the balloting unit against the name and symbol of the candidates for whom he intends to vote ; and
- (c) come out of the voting compartment and leave the polling station :

Provide that where printer for paper trail is used, upon casting the vote by pressing the button as referred to in clause (b), the elector shall be able to view through the transparent window of the printer, kept along with the balloting unit inside the voting compartment, the printer paper slip showing the serial number, name and the symbol of the candidate for whom he has cast his vote before such paper slip gets cut and drops in the drop box of the printer.

(4) Every elector shall vote without undue delay.

(5) No elector shall be allowed to enter the voting compartment when another elector is inside it.

(6) If an elector who has been permitted to vote under rule 57-L refuses after warning given by the Presiding Officer to observe the procedure laid down in sub-rule (3), the Presiding Officer or Polling Officer under the direction of the Presiding Officer shall not allow such elector to vote.

(7) Where an elector is not allowed to vote under sub-rule (6), a remark to the effect that voting procedure has been violated shall be made against the elector's name in the register of voters in Form 19-A by the Presiding Officer under his signature.

57-N. Procedure in case of complaint about particulars printed on paper slip :

(1) Where printer for paper trail is used, if an elector after having recorded his vote under rule 57-M alleges that the paper slip generated by

the printer has shown the name or symbol of a candidate other than the one he voted for, the Presiding Officer shall obtain a written declaration from the elector as to the allegation, after warning the elector about the consequence of making a false declaration.

(2) If the elector gives the written declaration referred to in sub-rule (1), the Presiding Officer shall make a second entry related to that elector in Form 19-A, and permit the elector to record a test vote in the voting machine in his presence and in the presence of the candidates or polling agents who may be present in the polling station, and observe the paper slip generated by the printer.

(3) If the allegation is found true, the Presiding Officer shall report the facts immediately to the Returning Officer, stop further recording of votes in that voting machine and act as per the direction that may be given by the returning officer.

(4) If, however, the allegation is found to be false and the paper slip so generated under sub-rule (1) matches with the test vote recorded by the elector under sub-rule (2), then, the Presiding Officer shall—

- (i) make a remark to that effect against the second entry relating to that elector in Form 19-A mentioning the serial number and name of the candidate for whom such test vote has been recorded ;
- (ii) obtain the signature or thumb impression of that elector against such remarks ; and
- (iii) make necessary entries regarding such test vote in item 5 in Part I of Form 19-C.

57-O. Recording of Votes of Blind or Infirm Electors :

(1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity an elector is unable to recognize the symbol on the balloting unit of the voting machine or unable to record his vote by pressing

the appropriate button thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of not less than eighteen years of age to the voting compartment for recording the vote on his behalf and in accordance with his wishes :

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day :

Provided further that before any person is permitted to act as the companion of an elector on any day under this rule that person shall be required to declare that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as companion of any other elector at any other polling station on that day.

(2) The Presiding Officer shall keep a record in Form 18 of all cases under this rule.

57-P. Elector deciding not to vote :

If an elector, after his electoral roll number has been duly entered in the register of voters in Form 19-A and has put his signature or thumb impression thereon as required under sub-rule (1) of rule 57-L, decides not to record his vote, a remark to this effect shall be made against the said entry in Form 19-A by the Presiding Officer and the signature or thumb impression of the elector shall be obtained against such remark.

57-Q. Tendered votes :

(1) If a person representing himself to be a particular elector seeks to vote after another person has already voted as such elector, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be, instead of being allowed to vote through the balloting unit, supplied with a tendered ballot paper which shall be of such design, and the particulars of which shall be in such language or language as the Chief Electoral Officer may specify.

(2) Every such elector shall before being supplied with tendered ballot paper write his name against the entry relating to him in Form 19-B.

(3) On receiving the ballot paper he shall forthwith—

- (a) proceed to the voting compartment ;
- (b) record there his vote on the ballot paper by placing a cross mark 'X' with the instrument or article supplied for the purpose on or near the symbol of the candidate for whom he intends to vote ;
- (c) for the ballot paper so as to conceal his vote ;
- (d) show to the Presiding Officer, if required, the distinguishing mark on the ballot paper ;
- (e) give it to the Presiding Officer who shall place it in a cover specially kept for the purpose ; and
- (f) leave the polling station.

(4) If owing to blindness or physical infirmity, such elector is unable to record his vote without assistance, the Presiding Officer shall permit him to take with him a companion, subject to the same conditions and after following the same procedure as laid down in rule 57-O for recording the vote in accordance with his wishes.

57-R. Presiding Officer's entry in the voting compartment during poll :

(1) The Presiding Officer may, whenever he considers it necessary to do so, enter the voting compartment during poll and take such steps as may be necessary to ensure that the balloting unit is not tampered or interfered or interfered within any way.

(2) If the Presiding Officer has reason to suspect that an elector, who has entered the voting compartment, is tampering or otherwise interfering with the balloting unit or has remained inside the voting compartment for unduly long period, he shall enter the voting compartment and take such steps as may be necessary to ensure the smooth and orderly progress of the poll.

(3) Whenever the Presiding Officer enters the voting compartment under this rule, he shall permit the polling agents present to accompany him if they so desire.

57-S. Closing of Poll :

(1) The Presiding Officer shall close the polling station at the hour fixed in that behalf under rule 52 and shall not thereafter admit any elector into the polling station :

Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether an elector was present at the polling station before it was closed it shall be decided by the Presiding Officer and his decision shall be final.

57-T. Account of votes recorded :

(1) The Presiding Officer shall at the close of the poll prepare an account of votes recorded in Form 19-C and enclose it in a separate cover with the words 'Account of Votes Recorded' superscribed thereon.

(2) The Presiding Officer shall furnish to every polling agent present at the close of the poll a true copy of the entries made in Form 19-C after obtaining a receipt from the said polling agent therefor and shall attest it as a true copy.

57-U. Sealing of Voting Machine after Poll :

(1) As soon as practicable after the closing of the poll the Presiding Officer shall close the control unit to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit and from the printer, where printer is also used, so however, that the paper slips contained in the drop box of the printer shall remain intact.

(2) The control unit, the balloting unit and the printer, where it is used, shall thereafter be sealed, and secured separately in such manner as the Chief Electoral Officer may direct and the seal used for securing them shall be so affixed that it will not be possible to open the units without breaking the seals.

(3) The polling agents present at the polling station, who desire to affix their seals, shall also be permitted to do so.

57-V. Sealing of the other packets :

(1) The Presiding Officer shall then make into separate packets—

- (a) the market copy of the electoral roll ;
- (b) the register of voters in Form 19-A ;
- (c) the cover containing the tendered ballot papers and the list in Form 19-B ;
- (d) the list of the challenged votes ; and
- (e) any other papers directed by the Election Commission to be kept in a sealed packet.

(2) Each packet shall be sealed with the seal of the Presiding Officer and with the seal either of the candidate or of his election agent or of his polling agent who may be present at the polling station and may desire to affix his seal thereon.

57-W. Transmission of Voting Machines, etc. to the Returning Officer :

(1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct,—

- (a) the voting machine ;
- (b) the account of votes recorded in Form 19-C ;
- (c) the sealed packets referred to in rule 57-V ; and
- (d) all other papers used at the poll.

(2) The Returning Officer shall make adequate arrangements for the safe transport of the voting machine, packets and other papers for their safe custody until the commencement of the counting of votes.

57-X. Procedure on Adjournment of Poll :

(1) If the poll at any polling station is adjourned under rule 57, the provision of rules 57-T to 57-W shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under section 66.

(2) When an adjourned poll is recommended, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held, with the sealed packet containing the market copy of the electoral roll, register of voters in Form 19-A and a new voting machine.

(4) The Presiding Officer shall open the sealed packet in the presence of the polling agents present and use the market copy of the electoral roll for making the names of the electors who are allowed to vote at the adjourn poll.

(5) The provisions of rule 57-A to 57-W shall apply in relation to the conduct of an adjourned poll before it was so adjourned.

57-Y. Closing of Voting Machine in case of Booth Capturing :

Where the Presiding Officer is of opinion that booth capturing is taking place at a polling station, he shall immediately close the control unit of the voting machine to ensure that no further votes can be recorded and shall detach the balloting unit from the control unit.

V. After rule 65, the following rule shall be inserted, namely :—

“65-A. Counting of votes where electronic voting machines have been used.—In relation to counting of votes at a polling station, where voting machine has been used in lieu of rules 63 and 65, the following rules shall apply, namely :—

64-B. Scrutiny and Inspection of Voting Machine.—(1) The Returning Officer may have the control units of the voting machines used at more than one polling station taken up for scrutiny and inspection and votes recorded in such units counted simultaneously.

(2) Before the votes recorded in any control unit of a voting machine are counted under sub-rule (1), the candidate or his election agent or his counting agent present at the counting table shall be allowed to inspect the paper seal and such other vital seals as might have been affixed on the unit and to satisfy themselves that the seals are intact.

(3) The Returning Officer shall satisfy himself that none of the voting machines has in fact been tampered with.

(4) If the Returning Officer is satisfied that any voting machine has in fact been tampered with, he shall not count the votes recorded in that machine and shall follow the procedure laid down in rules 56 and 57, as may be applicable in respect of the polling station where that machine was used.

64-C. Counting of votes.—(1) After the Returning Officer is satisfied that a voting machine has in fact not been tampered with, he shall have the votes recorded therein counted by pressing the appropriate button marked “result” provided in the control unit whereby the total votes polled and votes polled by each candidate shall be displayed in respect of each such candidate on the display panel provided for the purpose in the unit.

(2) As the votes polled by each candidate are displayed on control unit, the Returning Officer shall have,—

- (a) the number of such votes recorded separately in respect of each candidate in Part-II of Form 19-C ;
- (b) Part-II of Form 19-C completed in other respects and signed by the counting supervisor and also by the candidates or their election agents or their counting agents present ; and
- (c) corresponding entries made in a result sheet in Form-23 and the particulars so entered in the result sheet announced.

64-D. Sealing of Voting Machine.—(1) After the result of voting recorded in a control unit has been ascertained candidate-wise and entered in Part-II of Form 19-C and Form 23, the Returning Officer shall reseal the unit with his seal and the seals of such of the candidates or their election agents present who may desire to affix their seals thereon so however that the result of voting recorded in the unit is not obliterated and the unit retains the memory of such result and where printer for paper trail is used, the Returning Officer shall seal the paper slips in such manner, as may be directed by the Chief Electoral Officer.

(2) The control unit so sealed shall be kept in specially prepared boxes on which the Returning Officer shall record the following particulars, namely :—

- (a) the name of the Municipal Council/Committee ;
- (b) the particulars of polling station or stations where the control unit has been used ;
- (c) serial number of the control unit and printer, wherever used ;
- (d) date of poll ; and
- (e) date of counting.

(3) The provisions of rules 64 to 68 shall, so far as may be, apply in relation to voting by voting machines and any reference in those rules to ballot paper shall be construed as including a reference to such voting machine.”

VI. After Form-19, the following forms shall be inserted, namely :—

“[FORM 19-A

(See rule 57-L)

REGISTER OF VOTERS

Election to the Municipal Council/Committee_____

No. and Name of Polling Station_____

Part No. of Electoral Roll_____

Sl. No.	Sl. No. of elector in the electoral roll	Details of the document produced by the elector in proof of his/her identification	Signature/ Thumb impression of elector	Remarks
(1)	(2)	(3)	(4)	(5)
1				
2				
3				
4				
etc.				

Signature of the Presiding Officer.

FORM 19-B

(See rule 57-Q)

LIST OF TENDERED VOTES

Election to the Municipal Council/Committee_____

No. and Name of Polling Station_____

Part No. of Electoral Roll_____

S. No.	Name of elector	S. No. of elector in electoral roll	S. No. in Register of voters (Form 19-A) of the person who has already voted in place of elector	Signature/Thumb impression of elector
1				
2				
3				
4				
etc.				

Date

Signature of the Presiding Officer

FORM 19-C

(See rules 57-T and 65)

PART I

ACCOUNT OF VOTES RECORDED

Election to the Municipal Council/Committee_____

Number and Name of Polling Station :_____

Identification Number of voting :

Machine used at the Polling Station :

Control unit_____

Balloting unit_____

Printer (if used)_____

1. Total number of electors assigned to the Polling Station.
2. Total number of voters as entered in the Register for Voters (Form 19-A).
3. Number of voters deciding not to record votes under rule 57-P.
4. Number of voters not allowed to vote under rule 57-M.
5. Test votes recorded under rule 57-N required to be deducted.

(a) Total number of test	Total No.	S. No.(s) of
votes to be deducted	_____	elector(s) in
		Form 19-A

(b) Candidate(s) for whom	S. No.	Name of	No. of
test vote(s) cast :		candidate	votes
	_____	_____	_____
	_____	_____	_____

6. Total number of votes recorded as per voting machine :_____
7. Whether the total number of votes as shown against item 6 tallies with the total number of votes as shown against item 2 minus numbers of voters deciding not to record votes as against item 3 minus number of voters as against item 4 (i. e. 2-3-4) or any discrepancy noticed :_____.
8. Numbr of voters to whom tendered ballot papers were issued under rule 57-Q.
9. Number of tendered ballot paper Sl. No. :

Total	From	To
(a) Received for use_____		
(b) Issued to electors_____		
(c) Not used and returned_____		
10. Account of papers seals.

Signature of polling agents.

- | | | |
|---|-------------------|---------|
| 1. Paper seals supplied for used | Total No._____ | 1._____ |
| | Sl No. from__to__ | |
| 2. Paper seals used : | Total No._____ | 2._____ |
| | Sl. No.(s)_____ | |
| 3. Unused paper seals returned to Returning Officer : | Total No._____ | 3._____ |
| | Sl. No.(s)_____ | |
| 4. Damaged paper seal, if any : | Total No._____ | 4._____ |
| | Sl. No.(s)_____ | 5._____ |
| | | 6._____ |

Date _____

Place _____

Signature of Presiding Officer,

Polling Station No.....

PART II

RESULT OF COUNTING

Sl. No. of candidate	Name of candidate	Number of votes as displayed on control unit	Number of test votes to be deducted as per item 5 of Part-I	Number of valid votes (3-4)
(1)	(2)	(3)	(4)	(5)

1.

2.

3.

4.

5.

6. None of the above

Total

Whether the total number of votes shown above tallies with the total number of votes shown against item 6 of Part-I or any discrepancy noticed between the two totals.

Place_____

Date_____

Signature of Counting Supervisor

Name of candidate/election agent/counting agent full signature.

1.

2.

Place_____

Date_____

Signature of Returning Officer.]

By order of the Government of Jammu and Kashmir.

(Sd.)

Commissioner/Secretary to Government,
Housing and Urban Development Department.

EXTRAORDINARY

REGD. NO. JK—33



THE JAMMU & KASHMIR GOVERNMENT GAZETTE

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Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

JAMMU AND KASHMIR LEGISLATIVE ASSEMBLY
SECRETARIAT, JAMMU.

Under Rule 73 of the Rules of Procedure and Conduct of Business in the Jammu and Kashmir Legislative Assembly, the following Bill together with the Statement of Objects and Reasons, is published in an extraordinary issue of the Government Gazette.

By order of the Hon'ble Speaker.

(Sd.) **M. RAMZAN,**

Secretary.

THE JAMMU AND KASHMIR ECOLOGY FUND AND
ENVIRONMENT CESS BILL, 2016

[L. A. Private Members' Bill No. 5 of 2016.]

A Bill to provide for the protection and improvement of environment and for matters connected therewith or incidental thereto.

Be it enacted by the State Legislature in the Sixty-seventh Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—(1) This Act may be called the Jammu and Kashmir Ecology Fund and Environment Cess Act, 2016.

(2) It shall come into force on such date as the State Government may, by notification in the Government Gazette, appoint.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

- (a) “biodegradable materials” means materials, articles and goods that are degraded as a result of microbial activity in natural environment under normal course ;

Explanation :— Materials articles and goods deemed to be “biodegradable” are prescribed in the Schedule–I for the purpose of this Act :

Provided that the Government may amend or modify the Schedule–I by notification if deemed necessary ;

- (b) “business” includes any trade, commerce or manufacture or any manufacture or any adventure or concern in the nature of trade, commerce or manufacture ;
- (c) “Cess” means cess or fee payable under this Act ;
- (d) “dealer” means any person who carries on business of buying and selling of goods specified in the Schedules or services for commission, remuneration or otherwise and includes any individual, firm, Hindu Undivided Family, company, corporation, a department of State or Central Government, Public Sector Undertaking, Autonomous Body, Society, Club or Association (or the incorporation of such society, club or association) ;

Explanation 1 :—A broker, commission agent who carries the business of procuring goods or services from outside the State of Jammu and Kashmir for the purpose of buying and selling of goods or services having impact on environment and who has authority to procure and sell such goods or services belonging to their owner shall be deemed to be dealer for the purpose of this Act ;

Explanation 2 :—The manager or agent of a dealer residing inside or outside the State, and who procures goods or services from outside the State and sells goods or services within the State shall in respect to such business, be deemed to be a dealer for the purpose of this Act ;

Explanation 3 :— The proprietor, manager or agent of a hotel, resort, lodge or motel who carries out the business of providing services like lodging

boarding or ready to eat food facilities to customers on payment in cash or by credit card or by deferred payment be deemed to be a dealer for the purpose of this Act ;

Explanation 4 :—Head of a Department or an officer specifically designated for the purpose from various State Government Departments, Central Government Departments, Public Sector Undertakings, Semi-Autonomous Bodies or Autonomous Bodies procuring materials from outside the State and liable to pay cess imposed under the provisions of this Act shall be deemed to be dealer for the purpose of this Act.

- (e) “department” means the Department of State Government dealing with environment and or Department of the State Government entrusted with responsibility of collection of cess under this Act ;
- (f) “hotel”, “resort”, “lodge” and “motel” means any premises that is used for providing services like lodging or boarding or ready to eat food facilities to customers on payment in consideration thereof ;
- (g) “manufacture” with all its grammatical variations and cognate expressions, means producing, making, extracting, altering, repairing, ornamenting, finishing, packing, fabricating, or otherwise processing or adapting any goods specified in the Schedules but does not include such manufacture or manufacturing process as may be prescribed ;

- (h) “non-biodegradable materials” means materials, articles and goods that are not degraded by microbial activity and shall include all kind of goods in solid, liquid or gaseous form that are not degraded in natural environment under normal course ;

Explanation :—Materials, articles and goods deemed to be “non-biodegradable” are included in the Schedule–I for the purpose of this Act :

Provided that the Schedule–II can be modified by the Government by notification if deemed necessary (i) “notification” means a notification published in the Government Gazette ;

- (j) “prescribed” means prescribed by rules made under this Act or as prescribed by notification under this Act by the Government ;
- (k) “prescribed authority” means authority appointed by the State Government by notification under sub-section (1) of section 4 ;
- (l) “registered dealer” means a dealer registered under section 10 ;
- (m) “sales” with its grammatical variations and cognate expressions means any transfer of property in goods or services by one to another for cash or for deferred payment ;
- (n) “sale price” means the amount payable to a dealer as consideration for the sale of goods or services less any sum allowed as cash discount ;

Explanation 1 :—In respect of goods or services delivered on hire-purchase or any system of payment by

installments, the total sale price (including the amount payable and interest thereupon) on the date of such delivery of goods or services shall be taken as the sale price for the purpose of this Act ;

Explanation 2 :—The sale price shall include the excise duty, value added tax or any other levies on the goods, under any Central or State law for the time being in force made at the time of or before the delivery of the goods or services to the buyer whether such duty, fee or other levy is paid by the purchaser of the goods to the seller along with the consideration for the sale or directly to the Government ;

- (o) “Government” means the Government of Jammu and Kashmir ;
- (p) “turnover” used in relation to a establishment over any period means the aggregate of sale or services price or part of sale or services price receivable ;
- (q) “year” means the financial year commencing on the first day of April and ending on the 31st day of March next following.

CHAPTER II

General Powers of the State Government

3. *General powers of the State Government to protect and improve environment.*—(1) Subject to the provisions of this Act, the Government shall have powers to take all such measures as it deems

necessary or expedient for the purpose of protecting and improving the quality of environment pollution and take measures for restoration of ecological balance of the State.

(2) In particular and without prejudice to generality of the provision of the sub-section (1), such measures may include measures with respect to all or any of the following matters, namely :—

- (a) Coordination of actions of different departments of the Government Officers, and other authorities under this Act or rules made thereunder or under any law for the time being in force for the purpose of achieving objectives of environmental conservation and improvement ;
- (b) Laying down procedure for implementation of this Act ;
- (c) Impose levy of environment cess or fee wherever the abuse of environment cannot be prevented ;
- (d) Create a separate non-lapsable 'Jammu and Kashmir Ecological Fund' for depositing such fee or cess as imposed by clause (c) and ensuring utilization of such fee or cess for environmental amelioration measures ;
- (e) Impose restrictions of areas in which any industry, operations or process or class of industries or operations shall not be carried out or shall be carried out with certain safeguards on payment of cess or fee as may be prescribed by the Government by notification ;
- (f) Impose restrictions on entry of vehicles of any kind or by persons in any area as specified and regulate the entry on payment of environmental fee as may be prescribed by the Government by notification ;

- (g) such matters as the Government considers necessary or expedients the purpose of protecting and improving the quality and for the purpose of securing effective implementation of this Act.

(3) The Government may if it considers it necessary or expedient to do so for the purpose of this Act, by order published in the Government Gazette, constitute an authority or authorities or a body by such name or names as may be specified in the order for the purpose of exercising and performing such of powers and functions of the Government under this Act for taking measures with respect to such of the matters referred to in this Act and may be mentioned in the order and subject to supervision and control of the Government and the provision of such order, such authority or the authorities or body may exercise the powers or perform the functions or take the measures so mentioned in the order as if such authority or authorities or body had been empowered by this Act to exercise those powers or perform those functions or to take such measures as deemed necessary.

CHAPTER III

Cess Collecting Authority

4. *Environment cess collecting authorities.*—(1) For carrying out the purpose of this Act, the Government may appoint a person to be the prescribed authority under the Act and also such other persons with such designations to assist him as may be necessary and as may be specified in this behalf by the Government by notification.

(2) The prescribed authority and other persons under sub-section (1) shall exercise such powers as may be prescribed and perform such duties as are imposed upon them by this Act or rules made thereunder and as may be specified in this behalf by the Government by notification.

(3) All persons appointed under sub-section (1) shall be deemed to be public servants within the meaning of section 21 of the Ranbir Panel Code, 1898.

CHAPTER IV

Incidence of Cess

5. *Incidence of cess.*—Environmental Cess shall be paid by,—

- (a) Every dealer, manufacturer, State and Central Government Department, Public Sector Undertakings, Autonomous Bodies or other organizations whoever brings non-biodegradable materials as specified in Schedule–II in the State from outside the State for selling goods, business, manufacturing, producing any products or for use for whatsoever purpose in the State, on the sale price from the date of commencement of this Act ;
- (b) Individual users who bring non-biodegradable materials as specified in Schedule–II from outside the State, for his own use and consumption, on the sale price from the date of commencement of this Act ;
- (c) Every hotels, resort, lodge or motel operating within the State on its annual turnover :

Provided that the Government may exempt such hotels, resorts, lodges and motels below a particular turnover or provide a grace period of operations of hotels, resorts, lodges or motels since interception for promoting hotel industry, as may be specified in this behalf the Government by notification ;

- (d) On every entry in the State of such categories of vehicles as may be prescribed at such rates as may be specified by notification by the Government ;
- (e) On any such other item having impact on environment directly or indirectly as such a rate as may be prescribed by the Government by notification.

6. *Rate of Cess.*—The Cess payable by a dealer or an individual under this Act shall be levied at the following rates :—

- (a) in respect of goods specified in Schedule–II, at the rate of 1% of total turnover on sell price of non-biodegradable materials ;
- (b) in respect of hotels, resorts, lodges or motels at the rate of 5% of total turnover :

Provided that the Government may change the rate of leviable cess under clauses (a) and (b) above from time to time by notification :

Provided further that the Government may add to or omit from or otherwise amends Schedule–II and thereupon the said shall be deemed to be amended accordingly.

7. *Cess free goods.*—(1) No cess shall be payable under this Act on the sale of goods and services specified in Schedule–I subject to the conditions and exceptions, if any, set out therein.

(2) The Government, may add to or to omit from, or otherwise amend Schedule–I and thereupon the said schedule shall be deemed to be amended accordingly.

CHAPTER V

Registration of Dealers

8. *Registration of dealers.*—(1) Every dealer liable to pay cess under this Act, shall apply, within 45 (forty five) days of his becoming so liable to the prescribed authority for registration under this Act.

(2) No dealer liable to pay cess under this Act, shall sale or procure and purchase goods unless he is in possession of a valid registration certificate granted to him by or on behalf of the prescribed authority or has applied for such registration within the time specified in sub section (1) and his application has not been finally disposed off by the said authority.

(3) The prescribed authority may , on receipt of application in the prescribed form from a dealer for registration, and on being satisfied that the application is in order, grant registration from such date as may be specified, to such dealer :

Provided that the said authority may demand such security as may be prescribed from the dealer before registration is given to him :

Provided further that no application for registration may be refused unless he has been given reasonable opportunity of being heard.

(4) If the prescribed authority is satisfied that a dealer liable to pay cess under the Act has failed to apply for and get himself registered, it may, by a notice in writing, direct the dealer to apply for and get himself registered within 30 (thirty) days of the service of the notice, failing which the dealer shall be liable to pay a penalty of Rs. 500/- for each day's delay after the expiry of the said period of the 30 days :

Provided that the said authority may on an application of the dealer and for reasons to be recorded in writing, reduce or waive the

penalty, if it is satisfied that the delay has been caused by reasons beyond the control of the dealer.

CHAPTER VI

Return, Assessment and Recovery of Cess

9. *Returns and payment of cess.*—(1) Every registered dealer shall furnish such returns, for such period, in such form, to such authority and within such time as may be prescribed.

Explanation :— A dealer who gets the registration from a particular date is also liable to furnish return for the period prior to such date during which he was otherwise liable to pay cess under this Act in such manner as may be prescribed.

(2) The dealer shall before submitting any return pay to the Government in such manner and within such time as may be prescribed the amount of cess due under this Act according to the return and furnish along with return proof of payment of cess due as may be prescribed any such return if not accompanied by any such proof of payment shall be deemed invalid and treated as if it has not been furnished.

(3) If registered fails without reasonable cause to furnish any valid return within the prescribed time or within such further time as may be allowed on application, by the prescribed authority, a penalty at the rate not exceeding Rs. 1000/- for each day of delay shall be imposed without prejudice to any action that is or may be taken under any of the provisions of this Act.

10. *Assessment and reassessment procedure.*—(1) If the prescribed authority is satisfied that the return of turnover furnished by a dealer is correct and complete, it may, without requiring presence

of dealer or requiring any evidence from him, determine the cess due from the dealer and the dealer shall deposit such assessed amount of cess in appropriate head of account in Government revenue.

(2) (a) If the prescribed authority is not satisfied as aforesaid but requires the presence of dealer or production of evidence from him, it may serve on such dealer on notice in the prescribed form requiring him/his representative to attend and produce on a date to be specified, any evidence that the dealer may rely on in support of his return.

(b) On the date specified in the notice or any other date as may be fixed by the prescribed authority under intimation to dealer and after having heard and examining such evidence as the dealer may produce any such evidence as the said authority may require on specified points, it shall, by an order in writing assess and determine the cess payable by the dealer.

(3) If a registered dealer fails to :—

- (a) furnish any valid return of turnover as required under sub-section (1) of section 11 ; or
- (b) comply with the notice issued under sub-section (2) of this section ; or
- (c) satisfy the assessing authority about the correctness of the returns furnished ; or
- (d) appear or produce or cause to be produced evidence on the date specified under sub-section (2), the prescribed authority shall, after giving reasonable opportunity to the dealer of being heard, determine the turnover of the dealer on which cess is to be imposed and assess on basis of such determination and may in addition imposed penalty of

an amount not exceeding twice the amount of cess so assessed :

Provided that the penalty under this section shall be imposed only if the prescribed authority is satisfied that the failure of the dealer wilful, deliberate or unjustified and a reasonable opportunity of being heard has been given to the dealer.

(4) If upon information received, the prescribed authority is satisfied that a dealer liable to pay cess under this Act in respect of any period wilfully failed to furnish any particulars or information required for the purpose of registration or having been registered fails to furnish returns within the period prescribed under sub section (1) of section 9, the said authority shall, after giving the dealer a reasonable opportunity of being heard, assess, according to its best judgment the amount of cess due from the dealer for such period or any subsequent periods and in addition, may impose a penalty of an amount not exceeding 5 times the amount of cess so assessed :

Provided that no penalty under this sub-section shall be imposed unless the prescribed authority is satisfied that the failure of the dealer was wilful, deliberate or unjustified and unless a reasonable opportunity of being heard is given to the dealer.

Explanation :— For the purpose of sub-section (4) as the case may be, the proceedings shall be deemed to have been initiated when a notice is served or deemed to have been served on the dealer.

11. *Procedure of payment of cess or penalty.*—(1) The cess admissible from a dealer as shown in any return or revised return furnished by him under section 9 and penalty as due under section 10 shall be paid in the manner prescribed by or under sub-section (2) of section 9.

(2) The amount of the cess and penalty assessed as due from the dealer under sub-sections (2) and (3) of section 9 or under sub-sections (3) and (4) of section 10 after deducting any amount paid by him along with the return under sub-section (2) of section 9 shall be paid by him in such manner and within such time as may be specified in the notice of demand in the prescribed form issued by the prescribed authority, the date so specified being not less than 30 (thirty) days from the date of service of the said notice :

Provided that the said authority may in its discretion and for reasons to be recorded on application of the dealer extend the date for such payment or allow the payment to be made in installments as may be determined by it.

(3) If a dealer has failed, without any reasonable cause, to deposit the amount of cess together with the penalty, if any, by the date specified in the notice issued under sub-section (2) or by the date extended by the proviso thereto, interest at 18% per annum compounded on a quarterly basis, shall accrue and be charged on such amount from such date and such interest shall be treated as if it were cess due under this Act and shall be paid by the dealer in the prescribed manner. Provided that interest are not accrued or be charged on any amount the recovery of which is stayed under sub-sections (5) and (6) during the period the stay operates.

(4) Any amount of cess, penalty or interest due from a dealer which remains unpaid may be recovered on application by the prescribed authority to the Judicial Magistrate of the First Class who shall realize it as if it were a fine imposed by him :

Provided that where during the proceedings under this sub-section the amount of cess, penalty or interest due from a dealer is reduced as result of appeal or otherwise, the prescribed authority shall inform the dealer accordingly and the authority before whom proceedings are

pending and the amount reduced shall be deemed to be substituted for the amount originally intimated to the authority.

(5) If any dealer is aggrieved by the imposition of cess, penalty or interest under sub-sections (3) and (4) of section 10, he may prefer an appeal in writing to the next higher authority to the prescribed authority as notified by the State Government as per procedure laid down in section 18.

(6) Where an appeal against or an application for revision of the assessment of cess or levy of penalty or interest is entertained, the appellate or the revisional authority as the case may be, may on application stay recovery of the cess, penalty of interest in whole or in part subject to such conditions as it may impose till such date as it may direct :

Provided that the stay of recovery so granted shall stand vacant, the date the appeal or the application for revision is finally decided or another date as the appellate or the revisional authority may direct.

(7) In case of individuals who brings such items that attract cess under this Act from outside the State, cess admissible shall be levied at the check post by the department authorized to collect the same as notified by the Government.

12. *Person authorized to collect cess from Customers.*—(1) No person other than a registered dealer shall collect or recover from any person any amount towards cess or purporting to be cess under this Act on the sale of goods or services.

(2) No registered dealers shall collect from any person any such amount except in a case in which, and to the extent to which, such dealer is liable to pay cess under this Act.

(3) Nothing contained in sub-section (1) or sub-section (2) shall relieve a registered dealer from his liability for the cess under this Act.

CHAPTER VII

Jammu and Kashmir Ecology Fund

13. *Establishment of fund.*—(1) There shall be established for the purpose of this Act, a fund to be called the Jammu and Kashmir Ecology Fund.

(2) The fund shall be under the control of State Government and there shall be credited to the fund the followings :—

- (a) any sum of money credited under section 14 ;
- (b) any sum collected by the State Government in carrying out its functions under this Act ;
- (c) any fund provided by the Central Government or the State Government by way of grant or otherwise for the purposes of amelioration of the environment of the ecology.

(3) The fund shall be maintained in the form of a current account in a Nationalized Bank and the balance to the credit of the Fund shall not lapse at the end of the financial years.

14. *Crediting of cess in the fund.*—The proceeds of the cess levied under section 9, section 10 and section 11 shall be first be credited to the Consolidated Fund of the State and the State Legislature may by appropriation made by law in this behalf credit the proceeds of this collections to this fund from time to time, for being utilized exclusively for the purpose of this Act.

15. *Utilization of the fund.*—(1) The Fund shall be utilized for :—

- (a) the creation and development of facilities helping in amelioration of environment and maintenance and improvement of environmental services and ecology security of the State ;

- (b) Such other purposes and projects leading directly or indirectly to restoration of ecological balance of the various areas in the State as may be specified by the Government.

16. *Management of the fund.*—(1) For the purposes of ensuring proper utilization of the fund, the Government may appoint an officer to be prescribed authority under the Act and also such other persons with such designations to assist him as may specified in this behalf by the Government by notification.

(2) The prescribed authority under sub-section (1) maintained proper account and other relevant records in such forms and in such manner as may be prescribed.

CHAPTER VIII

Suits, Appeal, Revision and Review

17. *Bar to certain proceedings.*—(1) No assessment made, proceedings taken or order passed under this Act shall be called into question in any Court save as otherwise provided in this Act.

(2) No suit, prosecution or other legal proceedings shall lie against any public servant or any person appointed under section 4 or section 16 for anything done in good faith under this Act or the rules made or notification issued thereunder save with the previous sanction of the Government.

18. *Appeal, Revision and Review.*—(1) Subject to such rules as may be made, any dealer may, in the prescribed manner appeal to such authority as may be prescribed against any order passed under sub-section (3) of section 9, sub-sections (3) and (4) of section 10 and sub-section (3) of section 11 of the Act.

(2) No such appeal shall be entertained unless :—

It is accompanied by proof of payment in such manner as may be prescribed, of the amount of the cess admitted by

the dealer to be due from him and 25 % of the difference between such amount of cess including penalty and interest assessed.

(3) The aforesaid appellate or revising authority may :—

- (a) confirm, reduce, annul , enhance or otherwise modify the assessment of cess penalty or interest ;
- (b) set aside any order and direct the authority which made the order, to pass a fresh order after further enquiry on specified points ; or
- (c) pass such other orders as it may deem fit and proper.

(4) No order prejudicial to any dealer shall be passed under this section without a reasonable opportunity of being heard/being given to him.

19. *Payment of fee.*—The amount of fees payable for by appeal or application made under this Act shall be such as may be prescribed :

Provided that no fee shall be payable for any appeal or application file by or on behalf of the State Government.

CHAPTER IX

Prosecution and Penalties

20. *Offences.*—(1) Without prejudice to any action taken or that may be taken or any order passed or may be passed under any of the provision of this Act, whoever :—

- (a) being dealer, sales or purchases goods in contravention of sub-section (2) of section 8 or fails or neglects to comply with the provision of the sub-section (1) thereof ; or

- (b) fails without sufficient cause, to submit any return required under section 9 or wilfully submits a false return ; or
- (c) not being a registered dealer falsely represents that he is such a dealer ; or
- (d) prevents or obstructs any authority under this Act in the performance of its duties and functions under this Act ; or
- (e) fails to pay the cess , penalty or interest due in accordance with sub-section (2) of section 9, sub-sections (3) and (4) of section 10 or section 11 ; or
- (f) contravenes the provisions of section 12 ; or
- (g) contravenes section 21 ; or
- (h) abets any person in the commission of any of the offences specified in clauses (a) to (h) ;

shall be punishable with imprisonment of either description which may extend to one year or with fine which may extend to fifty thousand rupees or with both and if the offence is a continuing one, with a delay fine not exceeding rupees one thousand during the period offence continues.

(2) No Court shall take cognizance of any offence under this Act or the rules made thereunder except with the previous sanction of the authority.

(3) All offences punishable under this Act shall be cognizable and bailable.

(4) Notwithstanding anything contained in sub-section (1), the prescribed authority may compound any offence under this Act or the rules made thereunder before or after the institution of proceedings under

that sub-section by accepting from the person charged with the offence a sum not exceeding rupees fifty thousand as may be determined by the said authority, in addition to the tax, penalty or interest that may be leviable under the Act, and on payment of the sum so determine together with the amount of tax penalty or interest due, the proceedings before any Court or prescribed authority under this section shall abate.

21. *Check Post.*—The Government may, by notification, set up an erect in such manner as it may deem fit check post and barriers at any place in the State at which all persons, vehicles or other means' of transporting goods intended for carrying such materials liable to cess under this Act may be detained intercepted or searched to prevent evasion of cess under this Act.

22. *Power to make Rules.*—(1) The Government may make rules in respect of any or all matters referred to in this Act , for carrying out the purposes of this Act.

(2) In making any rules, the Government may direct that a breach thereof shall be punishable with a fine not exceeding rupees fifty thousand and when the offence is a continuing one with a daily fine not exceeding rupees one thousand during the continuance of the offence.

(3) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters namely :—

- (a) for all or any of the matters refer to in section 3 ;
- (b) the prescribed authority under sub-section (1) of section 4 and sub-section (1) of section 16 ;

- (c) the authority to which the application for registration under section 8 shall be made ;
- (d) the procedure for an other matters incidental to , the registration of dealers and the granting of the certificates of registration and the forms of such certificates under section 8 ;
- (e) the intervals at which, and the manner in which, the tax under this Act shall be payable under section 9 ;
- (f) the return to be furnished under section 9 and dates by which and the authority to which, such return shall be furnished ;
- (g) the dates by which returns for any period are to be furnished and the procedure to be followed for assessment under section 10 ;
- (h) the manner in which , and the authority to which appeals or revisions again by order passed under this Act may be preferred under section 18 ;
- (i) the procedure for, the disposal of appeals and applications for revisions and review under section 18 ;
- (j) the conditions under which, and the authority by which the offences may be compounded under section 20 ;
- (k) the manner in which, and the time within which, application shall be made information furnished and notices served under this Act ; and
- (l) any other matter which may be, or is required to be prescribed.

23. *Repeal and saving.*—(1) On and from date of commencement of this Act, all laws, notifications and orders issued by the Government relating to collection of environment cess, environment fee, in force in the State, shall be repealed.

(2) Notwithstanding such repeal, all collections of environment cess or environment fee penalty and interest and all proceedings or assessment made, action taken or orders passed by any authority under any law referred to in sub-section (1) shall be deemed to have been made, done or taken under the corresponding provisions of this Act.

SCHEDULE I

Bio-Degradable Materials Exempted from Cess

(See Section 7)

1. All cereals and pulses including broken particles and husk and bran thereof when brought in jute bags or brought for Public Distribution System (PDS) Scheme except when sold in plastic packaging.
2. Wheat flour including Atta and Sabji when brought in open or in Jute Bags, except when sold in plastic packaging or container.
3. Bread, except when sold in plastic or polythene packaging.
4. Meat which has not been cured or frozen, except when sold as tinned or plastic packaging.
5. Fresh fish.
6. Vegetables, green or dried, commonly known as Sabji, tarkari or saak except when sold in plastic packaging.
7. Gur and molasses.
8. Salt.
9. Milk.
10. Fresh livestock, including poultry.
11. Cotton yarn.
12. Text books and exercise books for education purpose and such other sacred books as may be prescribed

13. Water, but not accelerated or mineral water when sold in Bottles or sealed containers.
 14. Raw jute and jute materials.
 15. Plain paper and articles made therefrom.
 16. Eggs.
 17. Saag and tapioca globules.
 18. Cotton unstitched cotton cloths.
 19. Handloom Woven, Gamchas, khaddar or khadi made of khaddar and khadi.
 20. Handicraft goods not made from items in Scheduled II.
 21. Mustard oil, Rep. oil and mixture of mustard and rep. oil except when sold in plastic package or sealed container.
 22. Newspapers.
 23. Mustard seeds and rep. seeds.
 24. Flowers and plants, vegetables seeds.
 25. Hosiery goods.
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SCHEDULE II

Non-Bio Degradable Materials

(See sections 5 and 6)

1. Cement including grey and white cement including all varieties thereof.
2. Iron and steel, furniture made wholly or principally of iron or steel like safes, almirahs, grill, gates, furniture and other similar items made thereof.
3. New motor vehicles, including chasis of motor vehicles.
4. Motor tyres and tubes and spare parts accessories and component parts of motor vehicle.
5. Motor cycle and cycle combinations, motor scooters, motorettes and tyres and tubes and spare parts accessories and component parts of motor cycles, motor scooters, motorettes.
6. Bricks and marbles chips, mosaic floor and wall tiles and articles made of marbles mosaic, granite, tiles of all kinds.
7. All electrical goods of general nature including all types of wires, cables and switches of all kinds, polypipe for concealed caving, bulbs, tube lights, fancy lights, heaters of all varieties and descriptions and other electrical goods and goods including geysers, mixers grinders, washing machine, refrigerator, air cooler, air conditioning plants, and spare parts and accessories and component parts thereof.
8. Electronic goods of all kinds and description including television sets, microwave ovens, music systems and all descriptions,

transistors, radios, accumulators, amplifiers, and loud speakers and spare parts accessories and component parts thereof.

9. Hardwares goods of all kinds made from plastic and or iron, GI pipes, GCI sheets.
10. All kinds of paints -including acrylic and plastic emulsions paints, lacquerers, distempers, cement colours, of paints, enamels, liquid paints, steep paste paints, whether ready for use or not.
11. Varnishes, vegetable paint, remover and strainer of all kinds.
12. Bitumen, hard coke, soft coke and other allotropic forms thereof.
13. Rubber items of all kinds, and goods made therefrom.
14. Wines, liquors spirit and beer.
15. Glass and glassware of all kinds.
16. Ready food of all kinds, tinned or packaged polypacks or tetra packs.
17. Cold drinks, aerated drinks and mineral water when bottled in non-bio degradable materials.
18. Aluminum frame and aluminum goods of all kinds, furniture made wholly or principally of aluminum.
19. Plastic goods and plastic sheets and all other items made of plastics.
20. Brass copper, and brassware's and copper wares including all items made therefrom.
21. All machinery and equipments used for generation of electricity in all kinds of hydel power station, thermal power stations and other power generating equipments and power transmission lines.

22. Wireless reception instruments and apparatus, radios and radio gramophones
23. Cinematographic equipment including cameras, projectors and sound recording and reproducing equipment, spare part accessories and component parts thereof lenses, films and parts and accessories required for use therewith.
24. Photographic and other cameras, and enlarger and spare parts accessories and component parts thereof, lenses, films, and plates, paper and cloth and other part and accessories required for use therewith.
25. All clocks, time pieces and watches and parts thereof.
26. All arms including rifles, revolvers and pistols and ammunition for the same detonators and crackers.
27. Cigarette cases and lighters.
28. Dictaphone and other similar apparatus for recording sound parts thereof and electro magnetic recording, tapes including cassettes. tapes whether pre-recorded or not, sale of kinds and descriptions.
29. Some transmitting equipment including telephones, mobile phones of all makes, loud speakers, and spare parts thereof.
30. Computers, printers, scanners, hardware connected therewith, CDs, Floppy. Printers' refill, typewriters, tabulating machine, calculating machine, duplicating, photocopying machine and printing machines and parts and accessories thereof.
31. Binoculars, telescope and opera glasses.
32. Gramophones and component parts thereof and records.

33. Cushions, mattresses, pillows, and other articles made wholly or partly of artificial foam.
34. Cushions, mattresses, pillows, and other articles made wholly or partly of artificial or synthetic raisin and plastic foam.
35. Vacuum flask of all kinds and descriptions including for all such flask.
36. Utensils made wholly or principally of stainless steel or aluminum or copper.
37. Upholstered wooden furnitures.
38. Perambulators including push chairs babies and spare parts and accessories and component thereof.
39. Carpets of all varieties, and description except locally produced.
40. Linoleum.
41. Lifts, whether operated by electricity or steam, and spare parts, accessories and component parts thereof.
42. Exhaust fans and air circulators and spare parts, accessories and component parts thereof.
43. Diamonds, precious and synthetic stones other than diamond real or artificial.
44. Pearls, real, artificial or cultured.
45. Gold, or silver jewellery and filigree.
46. Laminated sheet, like formica, sun mica etc.

30 The J&K Govt. Gazette, 22nd Nov., 2016/1st Agra., 1938. [No. 33-4]

47. Ornaments set with diamonds or stones (real and artificial) or with pearls (real and artificial cultured).

48. Perfumes.

49. Cosmetics of all varieties.

STATEMENT OF OBJECTS AND REASONS

The Bill aims to provide for protecting and improving the quality of environment pollution and take measures for restoration of ecological balance of the State. For the said purpose, it has been provided to impose levy of environment cess or fee wherever the abuse of environment cannot be prevented and created a separate non lapsable 'Jammu and Kashmir Ecological Fund' for depositing such fee or cess and ensuring utilization of such fee or cess for environmental amelioration measures. The Bill further provides for imposition of restrictions of areas in which any industry, operations or process or class of industries or operations shall not be carried out or shall be carried out with certain safeguards on payment of cess or fee as may be prescribed by the Government by notification. It also provides for imposition of restrictions on entry of vehicles of any kind or by persons in any area as specified and regulate the entry on payment of environmental fee as may be prescribed by the Government by notification.

Hence the Bill.

M. Y. TARIGAMI,

MLA.